

Resettlement Plan

June 2014

VIE: Hanoi and Ho Chi Minh City Power Grid Development Sector Project

(EVN HANOI: Mo Lao 110kV Substation and 110kV Connection)

ABBREVIATIONS

ADB	Asian Development Bank
CARB	Compensation, Assistance and Resettlement Board
DCARB	District Compensation, Assistance and Resettlement Board
DMS	Detailed Measurement Survey
DPC	District People's Committee
EMA	External Monitoring Agency
EVN Hanoi	Ha Noi City Power Corporation
EVN	Electricity of Viet Nam
HNC	Ha Noi City
HPPMB	Ha Noi City Power Projects Management Board
IOL	Inventory of losses
km	kilometer
LURC	Land use rights certificate
PC	Power Corporation
PDP	Power Development Plan
PIB	Public information booklet
PIC	Project Implementation Consultant
CityPC	City People's Committee
RoW	Right-of-Way
SES	Socio-Economic Survey
SPS	Safeguard Policy Statement
VWU	Viet Nam Women's Union
WPC	Ward People's Committee

ELECTRICAL TERMINOLOGY

kV	(kilovolt)	- 1,000 volts
MW	(Megawatt)	- 1,000 kW
MVA	(Megavolt-ampere)	- 1,000 kVA
Transmission System		- 500 kV, 220 kV, 110 kV lines
Medium Voltage Distribution (MV)		- 35 kV, 22 kV or 10 kV lines supplying distribution substations
Low Voltage Distribution (LV)		- 400/230 V distribution and service lines
Load Factor		- Ratio of average power demand to maximum power demand
Electrical Losses		- Difference between energy delivered and energy sent out

REMARKS

In this report, "\$" refers to US dollars.

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DEFINITION OF TERMS

Affected persons	<p>Refers to any person or persons, household, firms, or public or private institutions who on account of a development project would have their: (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement. affected persons therefore include: (i) persons affected directly by the right-of-way (RoW) or construction work area; (ii) persons whose agricultural land or other productive assets such as trees, standing crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project.</p>
Cut-off date	<p>This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorised as displaced person. In this project, the cut-off date will coincide with the period of the census of affected persons and the inventory of losses (IOL) that will be conducted based on feasibility design documents. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).</p>
Detailed Measurement Survey (DMS)	<p>With the aid of the approved detailed engineering design, this activity involves the finalisation and/or validation of the results of the IOL, severity of impacts, and list of affected persons earlier done during resettlement plan preparation. The final cost of resettlement can be determined following completion of the DMS.</p>
Displaced persons	<p>Per ADB's 2009 Safeguard Policy Statement, displaced persons in a project area could be of three types: (i) persons with legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such land that are recognised or recognisable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognised or recognisable claims to such land.</p>
Entitlements	<p>Refers to a range of measures comprising compensation, income restoration</p>

	support, transfer assistance, income substitution, relocation support, etc. which are due to the affected persons, depending on the type and severity of their losses, to restore their economic and social base.
Meaningful consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Inventory of losses	Is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project RoW are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of affected persons will be determined.
Land acquisition	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Replacement cost	The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.

1.0. SUMMARY

1.1. Introduction

1. Mo Lao 110kV substation and connection subproject consists of two components, which are (i) Mo Lao 110kV substation; and (ii) 110kV underground cable.
2. The subproject is implemented with the aim to (i) ensure supply of good-quality and safe electricity to the domestic and public loads of Mo Lao new urban area in particular and to other loads of Thanh Xuan and Ha Dong districts in general; and (ii) reduce power losses of the system, which contributes to enhance the production and business effectiveness of EVN.
3. Mo Lao 110kV substation and its connection are built in the area of Mo Lao urban area, Ha Dong district, Hanoi. Such location is convenient and favorable for construction and arrangement of medium-voltage outgoing lines in the future as well as for operation and management.

1.2. Scope of land acquisition and resettlement

4. The total acquired land area for the subproject is 6,693 m². The subproject causes impacts on 05 households and 17 persons. There is no impact on houses and structures of PAHs. The Project only causes impacts on trees and crops. No household has to relocate.
5. The total area of temporarily affected land is 1,360m², all of which is traffic land. This type of land will be restored immediately after construction.
6. 5,333 m² of land will be acquired permanently including 3,973m² of land belonging to collective organizations and companies and 1,360m² of traffic land.
7. The main impacts include acquired land of Van Phuc and Mo Lao Ward People's Committees and Mo Lao Urban Area Management Board together with some pot plants under the ownership and management of Hanoi Urban Green Tree Company, electricity lines and lamp posts of Ha Dong Electricity as well as some trees of Mo Lao Urban Area Management Board. Of which, the acquired land area of the WPCs and Urban Area Management Board is 5,846m².
8. A total of 17 trees of different types and 560m² of crops including vegetable and beans will be affected due to land acquisition and construction.
9. There is no severely affected household as well as vulnerable group. There is also no household who might be worsened off by the project's impacts.

1.3. Socio-economic information and profile

10. A total of five households are affected. The average household size of these PAHs is 3.4. The rate of male is 53% while the rate of female is 47%.

11. All of the heads of PAHs have university degrees or higher.

1.4. Information disclosure, consultation, and participation

12. Consultation meetings were held in April 2014 at Mo Lao Ward with 13 participants including representatives of PAHs and WPC. The participants include representatives of the affected households, local authorities, mass organizations such as Women's Union and Fatherland's Front at the ward level. With regard to disclosure of the draft resettlement plan, key information has already been provided to the affected households and companies during the public consultation meetings. The following information contained in the Public Information Booklet (PIB) distributed include: (i) a brief background of the project, specifically the civil works to be undertaken and the adverse social impacts; (ii) IOL results; (iii) basis used for asset valuations; (iv) the entitlements; (v) timing of payments and the schedule of displacement; (vi) grievance redress mechanism; and (vii) contact persons at the PMB and concerned ward people's committee (WPC).

1.5. Grievance Redress Mechanism

13. In order to ensure that all affected persons' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to affected persons to air their grievances, a well-defined grievance redress mechanism has been established. All affected persons can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Affected persons are not ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through stages such as WPC, District People's Committee (DPC), and Ha Noi People's Committee before they can be elevated to a court of law as a last resort.

1.6. Legal framework

14. This Project is financed by ADB; therefore, the ADB's SPS 2009 and some other policies will be applied in accordance with the principle of policy harmonization with those of other donors as well as the recipient country with the aim to ensure mitigation of adverse impacts caused by land acquisition and to enhance the effectiveness of the project implementation.

15. The project resettlement policy and entitlements have been developed from the laws of the Government of the Socialist Republic of Viet Nam (GOV), principally the Constitution (2013) that confirms the right of citizens to own and protect the ownership of a house; Land Law N° 45/2013/QH13 dated November 29 2013, providing Viet Nam with a comprehensive land administration law; Decree

N°43/2014/ND-CP dated May 15 2014 guiding implementation of some articles of the Land Law 2013; Decree No. 47/2014/ND-CP dated May 15 2014 on compensation, rehabilitation and resettlement in the event of land recovery by the State; Decree No 44/2014/ND-CP dated May 15 2014 on land prices; and ADB's Safeguard Policy Statement (SPS June 2009) guided by Operations Manual on Involuntary Resettlement (OM Section F1/OP, on 3 March 2010). Provisions and principles adopted in this project will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree N°38/2013/ND-CP which provides that in case of "*discrepancy between any provision in an international treaty on Official Development Assistance (ODA), to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence*" (Article 46, Item 1).

1.7. Entitlements, assistance, and benefits

16. The project entitlements adopted are based on ADB's SPS (2009) that have been harmonized with the existing GOV laws, Ha Noi People's Committee's Decisions on land acquisition, resettlement and assistance. The entitlements in this resettlement plan may be enhanced, as necessary during the updating process, after the project and this document have been approved by the ADB and GOV, and the detailed engineering design that determines the extent of the RoW and substation. The resettlement plan updating will entail the conduct of the detailed measurement survey (DMS) and consultations with affected peoples will be held to ensure that losses are compensated at replacement cost and peoples' livelihood is restored to their pre-project levels or better. The cut-off date of eligibility will be based on the start of the census of affected persons and conduct of DMS during resettlement plan updating.

17. One of key policy objectives of the project is to replace or compensate lost assets. All compensation is based on the principle of replacement cost. Compensation and provision of assistance will be provided and income restoration programmes will be put in place prior to displacement of affected households from their houses, land, and other assets, such that they will be at least as well off as they would have been in the absence of the project, and the poorest affected households and vulnerable groups are assisted to help improve their socio-economic status.

1.8. Relocation of housing and settlements

18. No household has to relocate.

1.9. Income restoration and rehabilitation

19. In order to assist affected persons restore livelihoods and income levels, the project will provide an income restoration programme that is adapted to the needs and situation of the affected persons as determined in the SES. The affected persons covered by the income restoration programme are identified in the entitlement matrix.

20. Income restoration programme of the project includes:

- Allowance cash for permanently acquired agricultural land, and allowance cash for job changing and creation, applying for affected households with permanently acquired agricultural land.
- Allowance cash for vulnerable affected households (Women headed household, elderly household heads).
- Assistance for losses on business and job.

1.10. Resettlement budget and financing plan

21. The total cost for resettlement is estimated at **VND 60,614,470,642** (or equivalent to **USD 2,886,403**). This proposed budget includes compensation and allowances, cost for DCARBs (2% cost of compensation and allowances), cost of external monitoring and contingency. EVN Hanoi and PMB will ensure the timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

1.11. Institutional arrangements

22. EVN Hanoi is the executing agency of the project. EVN Hanoi will establish a HPPMB at its headquarters to oversee the overall administrative and financial aspects of the project. The PMB will coordinate the consultants and closely cooperate with Ha Noi People's Committee, DPCs, DCARBs and WPCs to update the resettlement plan and implement resettlement activities.

1.12. Implementation schedule

23. Table below summaries the steps involved in the implementation of land acquisition, compensation and resettlement activities for the project.

Table 1. Implementation Schedule

Main activities	Time-frame
<i>Preparing RP</i>	

Detailed engineering and demarcation of land to be acquired	Year 1
Award contract and mobilize resettlement plan Consultants	Month 10 of Year 1
Public meeting and consultations with affected persons on draft resettlement plan	Year 1
Finalise updated resettlement plan and submit to HPPMB for review and referral	Month 2 of Year 1
ADB no-objection to resettlement plan	Month 2 of Year 2
Disclosure of approved resettlement plan	Month 3 of Year 2
<i>Implementing RP</i>	
DMS	Months 3 and 4 of Year 2
Compensation payment	Months 4 and 5 of Year 2
Implementation of rehabilitation measures	Month 5 of Year 2
Site clearance	Month 5 of Year 2
Start of civil works	Month 6 of Year 2 until Month 6 of Year 3

2.0. SUBPROJECT INTRODUCTION

2.0. Objectives of the Subproject

24. Mo Lao 110kV substation and connection subproject consists of two components, which are (i) Mo Lao 110kV substation; and (ii) 110kV underground cable.

25. The subproject is implemented with the aim:

- To ensure supply of good-quality and safe electricity to the domestic and public loads of Mo Lao new urban area in particular and to other loads of Thanh Xuan and Ha Dong districts in general; and
- To reduce power losses of the system, which contributes to enhance the production and business effectiveness of EVN.

2.1. Main features of the subproject

26. Mo Lao 110kV substation and its connection are built in the area of Mo Lao urban area, Ha Dong district, Hanoi. Mo Lao 110kV substation is arranged to build in CX-01 land plot in the planned area, next to the internal road of Mo Lao urban area. Such location is convenient and favourable for construction and arrangement of medium-voltage outgoing lines in the future as well as for operation and management.

2.1.1. Mo Lao 110kV substation

Mo Lao 110kV substation has the geographical location as follows:

- The North borders the cemetery in Mo Lao urban area;
- The South borders Material Manufacturing Investment Joint-Stock Company and material-gathering area in Mo Lao urban area;
- The East borders the internal road in Mo Lao urban area at the access road to the cemetery and where the 110kV cable line connects to; and
- The West borders the cemetery in Mo Lao urban area.

Table 2. Construction plan of 110kV Mo Lao substation and mitigation measures for land acquisition impacts

Category	Implementation
1. Total area	<ul style="list-style-type: none"> ○ Electrical switchyard is covered with M100 concrete layer and then a gravel layer with $D_{max}=4\text{cm}$ or macadam layer sized 4x6 100mm thick. + Area within the substation fence: 3,670 m² + Area of access road to the substation: 303.4 m²
2. Connection solution	<ul style="list-style-type: none"> ○ The line to the 110kV substation is double-circuit cable line, connecting to 110kV Ha Dong-Chem line.
3. Substation capacity	<ul style="list-style-type: none"> ○ Mo Lao 110kV substation will be built with two transformers with the capacity of 2x63MVA. In the early period, one transformer with the capacity of 63MVA will be installed first.
4. Operation conditions	<ul style="list-style-type: none"> ○ Nominal operating voltage: 110kV, 35kV, and 22kV ○ Maximum operating voltage: 123kV, 38.5kV, and 24kV ○ Short-circuit current: 31,5kA/3s, 20kA/3s, and 25kA/3s ○ Supplying voltage: 380/220VAC; 220VDC

<p>5. Transformer foundation</p>	<ul style="list-style-type: none"> ○ Foundation platform is made of reinforced concrete M200; the depth of the foundation is -0.6m, the size of the oil collecting pit is 10.0x8.0m, the depth of the pit is from 0.25m to 0.35m.
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Figure 1. Substation location map



2.1.2. 110kV underground cable

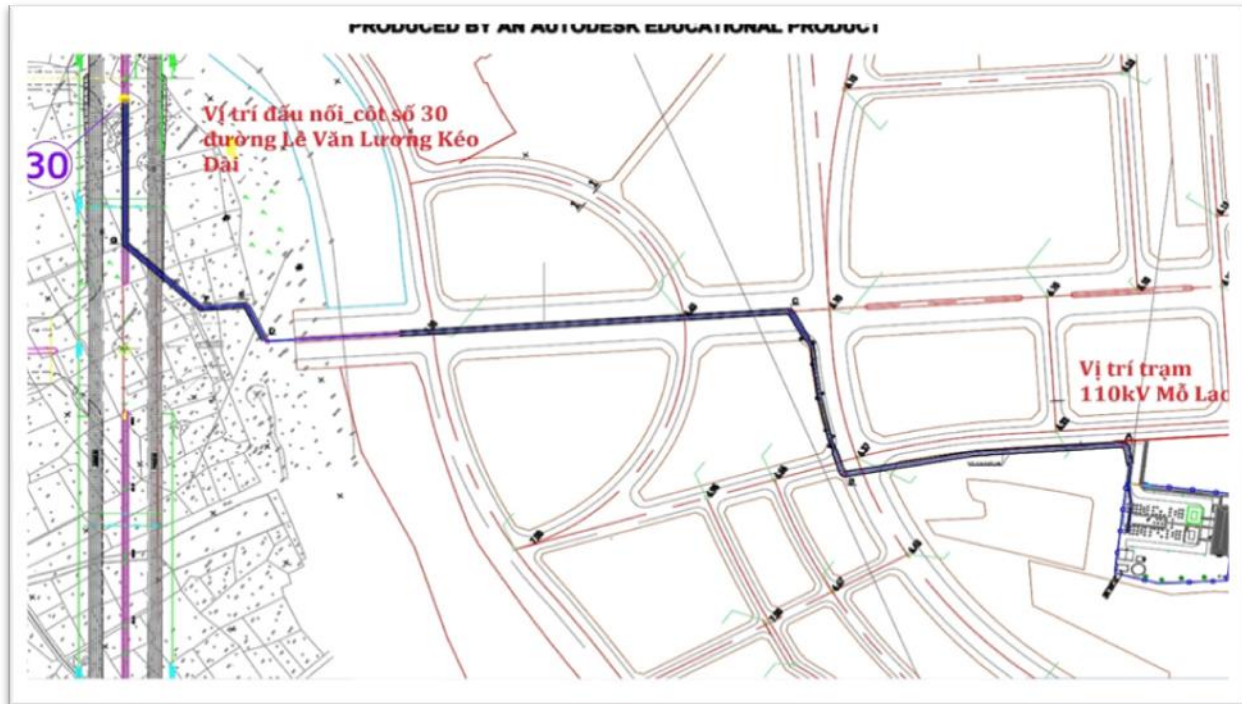
27. The 110kV underground cable line starts from the pole No. 30 (Ha Dong-Thanh Cong 220kV transmission line project) to the pood-tich of Mo Lao 110kV substation. The underground cable line supplying power for Mo Lao 110kV substation mainly goes along the separating strip and sidewalk of the internal road in Mo Lao urban area.

28. The 110kV connection line supplying power for Mo Lao substation will go underground with the area of 1200mm². The part goes through Mo Lao urban area and is expected to along Mo Lao Bridge over Nhue River.

Table 3. Summary of underground cable plan and mitigation measures for land acquisition impacts

Category	Implementation
1. Connection location	Section 2: From the pole No.30 (220kV Ha Dong-Thanh Cong) to pocs tích Mo Lao 110kV substation
2. Voltage	110kV
3. Number of circuit	02
4. Length of line	About 800 m

Figure 2. Underground cable map



2.3. Mitigation measures

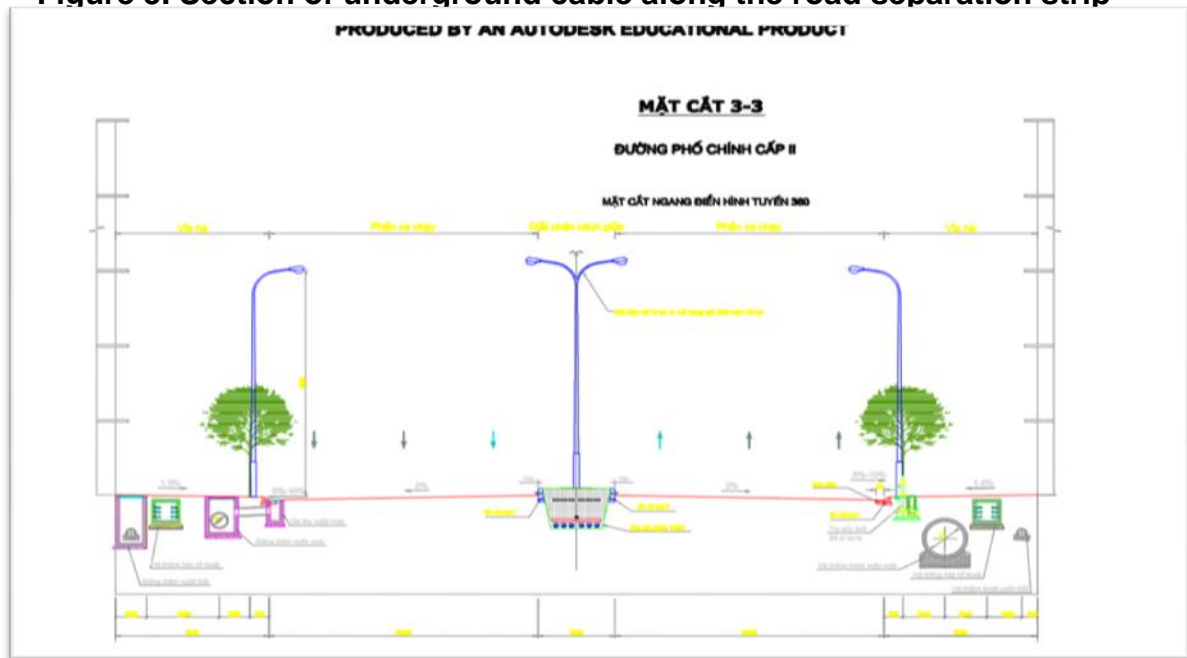
2.3.1. Mitigation measures for land acquisition impacts during design process

- The expected location of Mo Lao substation was identified since the planning of Mo Lao new urban area. In the planning of Mo Lao urban area, CX-01 land plot has been planned to locate the substation. During the project preparation process, all information related to the planning of the substation has been

announced to the residential area. Therefore, most of people in the area know that the area is planned for the construction of the substation.

- With regards to the arrangement of the underground cable, the design consultant has carried out field survey and consulted with the Mo Lao Urban Area Management Board to reach an agreement on the most suitable plan.
- The design consultant and environmental and social consultant have conducted consultation with Ha Dong DPC to find out about the construction progress of Mo lao Bridge and the road to Mo Lao Bridge over Nhue River to ensure that the installation of the cable over Nhue River is in accordance with the construction progress of Mo Lao Bridge.
- The selected plan of the underground cable has been adjusted after updating feedback and opinions from stakeholders.

Figure 3. Section of underground cable along the road separation strip

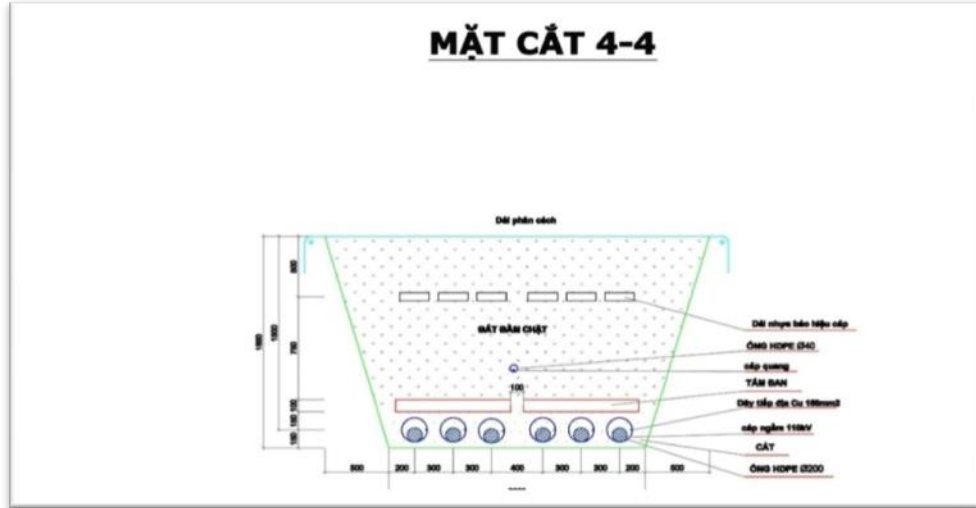


2.3.2. Mitigation measures for land acquisition impacts during implementation process

29. The mitigation measures for land acquisition impacts during the project implementation process have been taken into consideration. The design consultant has proposed suitable construction methods in order to minimize land acquisition impacts as well as impacts on local communities. These methods include: (i) Cable tunnel is designed to go underground, the tunnel is made of

reinforced concrete; (ii) tunnel goes along the existing sidewalk starting from the connection pole to the substation, which minimizes land acquisition on households.

Figure 4. Section of underground cable arrangement



3.0. SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

3.1. Scope of impacts

30. The subproject is implemented in the area of two wards, Mo Lao and Van Phuc, of Ha Dong district. The total land area to be acquired for the subproject is 6,693 m². The subproject will cause impacts on five households and 17 persons. It does not affect any house or structure of the households. No household has to relocate. The subproject only causes impacts on trees and crops of five households and some public structures.

Table 4. Summary of impacts

No.	Impacts	No. of PAHs	Unit	Amount
I	Tree and crop			
1	Rain-fed crops	5	m2	560
2	Timber tree	-	tree	-
3	Fruit tree	1	tree	7
4	Potted plant	3	tree	10
II	Public structures			

1	Land of Mo Lao urban area management board		m2	3.670
2	Land of WPC		m2	2.176
3	Brick pavement		m2	224
4	Lighting post		post	7
5	Electricity line		m	298
6	Drainage		unit	7
7	Baniam tree		tree	1
8	Tropical almond tree		tree	1
9	Bead tree		tree	1
10	Milk flower tree		tree	3
11	Potted palm tree		tree	26
12	Potted "Ngoc But" tree		tree	26

3.2. Land acquisition impacts

31. The total affected land area caused by the subproject is 6,693 m² including 5,333m² of permanently acquired land and 1,360m² of temporarily acquired land.

Table5. Total affected land area

District/ Ward	Total affected area	Permanent				Temporary			
		PAHs		Company/organization and public land	Total	PAHs		Company/organization and public land	Total
		HH	Area	Area		HH	Area	Area	
Mo Lao Ward	4,733	-	-	4,353	4,353	-	-	380	380
Van Phuc Ward	1,960	-	-	980	980	-	-	980	980
Total	6,693	-	-	5,333	5,333	-	-	1,360	1,360

32. The total area that needs **acquiring permanently** to build Mo Lao 110kV substation and its connection is 5,333m², including 3,973m² of land belonging to

the WPCs and Mo Lai Urban Area Management Board, and 1,360m² of traffic land. The permanently acquired area is mainly in Mo Lao Ward (4,353m²).

Table 6. Detailed impacts caused by permanent land acquisition

District	Ward	Total permanently acquired area (m ²)	Types of land			
			Annual crop land	Company/organization land (m ²)	Traffic land (m ²)	Public land (m ²)
Ha Dong	Mo Lao	4,353	0	3,973.4	380	0
	Van Phuc	980	0	0	980	0
Total		5,333	0	3,973	1,360	0

33. 1,360 m² are temporarily affected during construction period. These impacts are caused by land acquisition during construction period to build new foundations, displacement of electricity posts, and land for ROW.

Table 7. Detailed impacts caused by temporary land acquisition

District	Ward	Total temporarily acquired area (m ²)	Types of land			
			Annual crop land	Company/organization land (m ²)	Traffic land (m ²)	Public land (m ²)
Ha Dong	Mo Lao	380	0	0	380	0
	Van Phuc	980	0	0	980	0
Total		1,360	0	0	1,360	0

34. All of the temporarily affected land is traffic land. There is no residential land area to be affected. The temporarily affected land area is mainly in Van Phuc Ward (980m²). These areas will be restored and returned right after the construction is finished.

35. Trees and crops of total five households in Mo Lao Ward are affected as 560m² are acquired. These five households have reclaimed land to grow trees and crops on the area which was planned by the Management Board to build Mo Lao Substation. Therefore, these households do not have legal titles for the acquired land.

36. Among the temporarily affected area above, there is land within the ROW and safety corridor of the substation. For this area, people can still use to plant crops;

houses are allowed to exist within the ROW in accordance with the ROW safety regulations. However, if trees affect the electricity safety, they will be cut down and some types of trees are only allowed when their branches are trimmed and height is limited.

3.3. Project affected households

37. As mentioned above, a total of five households will be affected by the subproject. All of the impacts are on trees and crops. These five households have reclaimed land in the planned area of Mo Lao urban area and thus do not have legal claims to such area.

3.4. Impacts on house and structure

38. The Subproject does not cause any impact on house and structure.

3.5. Impacts on public structures

39. Some public structures will be affected due to the construction of substation and technical trenches. The main impacts include acquired land of Van Phuc and Mo Lao Ward People's Committees and Mo Lao Urban Area Management Board together with some pot plants under the ownership and management of Hanoi Urban Green Tree Company, electricity lines and lamp posts of Ha Dong Electricity as well as some trees of Mo Lao Urban Area Management Board. Of which, the acquired land area of the WPCs and Urban Area Management Board is 5,846m². The Table 8 below shall present structures affected corresponding to the construction categories of the subproject.

Table 8. Impacts on public structures

Ward	Affected assets	Owner	Category	Unit	Quantity
Van Phuc	WPC land	WPC	Technical trench	m ²	608
	Potted palm tree	Ha Noi Urban Green Tree Company	Technical trench	tree	26
	Potted "Ngoc But" tree	Ha Noi Urban Green Tree Company	Technical trench	tree	26
	Road lighting post	Ha Dong Electricity	Technical trench	post	3
	Electricity line	Ha Dong Electricity	Technical trench	m	84
Mo Lao	Land of Mo Lao Urban Area Management Board	Mo Lao Urban Area Management Board	Mo Lao 110kV substation	m ²	3670

WPC land	WPC	Technical trench	m ²	1568
Brick pavement	WPC	Technical trench	m ²	224
Road lighting post	Ha Dong Electricity	Technical trench	post	4
Electricity line	Ha Dong Electricity	Technical trench	m	214
Drainage	Ha Dong Water Supply and Drainage Company	Technical trench	unit	7
Banyan tree	Mo Lao Urban Area Management Board	Mo Lao 110kV substation	tree	1
Tropical almond tree	Mo Lao Urban Area Management Board	Mo Lao 110kV substation	tree	1
Bead tree	Mo Lao Urban Area Management Board	Mo Lao 110kV substation	tree	1
Milk flower tree	Mo Lao Urban Area Management Board	Mo Lao 110kV substation	tree	3

3.6. Impacts and trees and crops

40. A total of 17 trees of different types belonging to four households are affected by the Subproject including seven banana trees, eight kumquat trees, and two peach trees.

41. 560m² of crops of all five households are permanently affected due to land acquisition. The main affected crops include bean (180m²), vegetable (145m²), and squash (100m²).

Table9. Permanent impacts on crops

District/ Ward	No. of HHs/ Area	Chayote	Squash	Cauli-flower	Bean	Vegetable	Potato
Ha Dong District	HH	1	3	1	4	4	2
	Area	20	100	80	180	145	35
Mo Lao Ward	HH	1	3	1	4	4	2
	Area	20	100	80	180	145	35
Van Phuc Ward	HH	-	-	-	-	-	-
	Area	-	-	-	-	-	-

Total	HH	1	3	1	4	4	2
	Area	20	100	80	180	145	35

42. **Severely affected households.** There is no severely affected household as well as no household who might be worsened off by the project's impacts.

43. **Vulnerable households.** Among five affected households, none of them belongs to vulnerable groups.

4.0. SOCIO-ECONOMIC INFORMATION AND PROFILE

4.0. Methodology used in socio-economic survey

44. Socio-economic survey is conducted in parallel with the inventory of losses by a team of officials who are specialized in sociology from the design consulting agency. The survey is carried out from March to the end of May 2014 in Mo Lao Ward, Ha Dong District. 100% of the affected households identified have participated in this survey.

4.1. Project area

45. On May 8 2009, the GoV issued the decision establishing Ha Dong district under Hanoi City based on the whole natural area and population of Ha Dong City. Ha Dong becomes the second largest district of Hanoi (after Long Bien District) with the area of 4,791.40 ha and 198,687 people.

46. Currently, Ha Dong is the connection of several important roads and has the strategic location in political, economic, and military aspects. Ha Dong has been building and developing many new urban areas including Van Quan, Mo Lao, Xa La, Van Phu, Le Trong Tan, Duong Noi, universities, and international hospitals with the mobilized capital of tens of billions dollars¹.

47. Ha Dong District undergoes shifting in economic structure in which industry and construction sector accounts for 53.5%, trading-services-tourisms sector occupies 45.5% while agricultural sector is only 1%. Industry and handicraft production have made impressive progress in both scale and output.

48. Ha Dong consists of 17 wards, which have long-standing cultural tradition. The district has some well-known handicraft villages, in which Van Phuc Ward (previously Van Phuc Village) is a traditional and famous silk-making village.

¹Ha Dong District Portal www.hadong.gov.vn

4.2. Project affected people

4.2.1. Demographic features

49. Among five households surveyed in Mo Lao Ward, three households have less than five members while the remaining two households have from five to eight persons. The average household size is 3.4.

50. A total of 17 persons are living in these five households. The rate of male is 53% while the rate of female is 47%.

Table 10. Demographic details of the PAHs

District/Ward	No. of PAHs	No. of PAPs		Household size			Gender			
		Persons	Average	Less than 5	5 to 8 persons	More than 8	Male	%	Female	%
Ha Dong District	5	17	3.4	3	2	0	9	53	8	47
Mo Lao Ward	5	17	3.4	3	2	0	9	53	8	47
Van Phuc Ward	-	-	-	-	-	-	-	-	-	-
Total	5	17	3.4	3	2	0	9	53	8	47

4.2.2. Education level of the heads of PAHs

51. All of the heads of households have university degrees or higher.

5.0. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION

5.1. Stakeholders

52. Publication and dissemination of information are not only the requirements of international donors but also regulations of the Government of Vietnam in Article 69, Law on Land (2013), and Article 28 (item 2) of Decree No. 47/2014/ND-CP.

53. In accordance with the Article 69 of Land Law 2013, and the 2011 Public Communications Policy by ADB, Hanoi PPMB, representative of EVNHANOI will foster the participation of the key stakeholders of the project. The stakeholders will participate in information disclosure and dissemination processes as well as consultation activities at community level, including (i) District Compensation Board; (ii) CPCs; (iii) local mass organizations; (iv) representatives of the affected companies/organizations; and (v) local communities in the project area.

5.2. Objectives of consultation

54. The overall objectives of the consultation program and community information campaign are to disseminate information and collect feedback from key related parties on aspects of compensation and resettlement planning:

- Minimize possible conflicts
- Minimize the risk of project delays
- Ensure that the preparation and implementation of resettlement plan is conducted transparently.

55. Key objectives and principles are:

- To share main information about the project to the affected persons, local authorities and other related parties (project background, objectives, plans for study, environmental and relocation issues).
- To gather information on the need and priorities of the affected persons, local communities, local governments, non-governmental organizations as well as reactions/feedback against the compensation, support and resettlement policies, as well as other related activities.
- To attain the cooperation and participation of the affected persons, the relevant units through all stages of planning and implementation of site clearance and resettlement.
- To ensure transparency in all activities related to land acquisition, compensation, resettlement and rehabilitation measures.
- Through the full and active participation, needs and desires of the local population will be discussed and listened. Households and other related parties will be consulted during the preparation and implementation of resettlement plan. This is a two-way process to publish and disseminate information and collect feedback and recommendations to prepare and implement the resettlement plan.
- Dissemination of information, consultation and participation should be carried out in the phase of resettlement plan establishment and will continue throughout the implementation phase of the resettlement plan.

5.3. Public consultations during RP preparation

56. Consultations have been conducted in Mo Lao Ward, Ha Dong District. The consultations are conducted by the Consultant in April 2014.

57. 13 people participated in the consultations including representatives of the PAHs and Mo Lao Ward officials. The representatives of mass organizations such as the Fatherland's Front, the Women's Union of the ward have attended and contributed opinions to the project.

58. The representative of the Employer and Consulting Agency have informed the public with regards to the following topics:

- Project description: the alignment of the line, location of the substations and the importance of these structures above, the financing source of the project, its objectives and components.
- Compensation policies of the project;
- Mitigation measures for the impacts to minimize impacts on and losses of people.

59. The feedbacks received are summarized as follows:

- Mo Lao WPC and the concerned agencies and representatives of the community agree and support the 110kV substation project. During the construction period, it is recommended that the investment owner and contractor comply with the social and environmental regulations.
- Other issues that the WPC is concerned are: do electromagnetic field and electromagnetic waves affected people in the surrounding area? The substation is built next to Mo Lao cemetery where people often go to, therefore, is it necessary to install lightning protection equipment? Do the machines cause noise?
- During the construction period, attention should be paid to the existing underground cable and water supply and drainage system of the urban area.
- Site should be restored and returned after construction and there should be electricity safety measures for the households in the urban area.
- The construction of Mo Lao 110kV substation does not cause impacts on the graves in the cemetery as the location of the substation is about 40 to 50 meters to these graves. Besides, the cemetery is surrounded with solid walls; therefore, there is no adverse impact.
- As for PAPs losing trees and crops: We are willing to hand over site to the project to not affect the progress of the project. However, when the project acquires land, it is suggested that the project should inform us two to three months beforehand in order for us to harvest the crops. The project should compensate for our affected trees and crops because we spent efforts reclaiming the area.

5.4. Consultation and information disclosure plan during project implementation process

60. Consultation and information disclosure should be made during the project preparation phase and throughout the project construction and operation to ensure requirements on disclosure of information, consultation and participation. To ensure that people stay informed of the project, participate in consultations and other activities of the project, the following actions should be taken:

- Resettlement plan should be summarised and disclosed to the affected people in different forms.
- For cities and districts: The RP documents must be provided to the People's Committee Office of the City, District, Chairmen of the District People's Council with full version in Vietnamese. RP in Vietnamese will be announced at the Office of People's Committee to the public, interested organisations can access, find out.
- For the wards: The summary of RP documents in Vietnamese will be placed in the WPC Office;
- For the community: The summary of the RP documents in Vietnamese will be delivered to the home of the village leader.
- RP leaflets in Vietnamese are distributed to the affected households and ward leaders.
- RP in English will be disclosed on Website of ADB.

61. The consultation should be carried out during the preparation, implementation and operation of the project. As a minimum the following activities should be undertaken:

- Consultation, disclosure of information in the form of leaflets, propaganda through loudspeaker system about information of the project prior to the survey, detailed measurement;
- Consultation, disclosure of information in the forms of public meetings throughout the project implementation process;
- Posting the survey results, detailed measurement and compensation price prior to payment;
- Consultation, disclosure of information in the form of propaganda and training on safety of power grid during the project operation.

5.5. Post-project implementation

62. The EVNHanoi will inform the ADB following the Project completion. As part of the appraisal, all aspects of the Project such as technical, finance, economics, environment and RP shall be evaluated if their respective objectives have been met as to their relevance, efficacy, efficiency and sustainability. The Hanoi PPMB will coordinate with the commune and village officials to inform the APs to participate in the consultations and interviews that shall be conducted by the Bank's Independent Evaluation Division.

6.0 GRIEVANCE REDRESS MECHANISM

63. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition and grievance redress. APs are not required to pay any fee during any of the procedures associated with seeking grievance redress including if resolution requires legal action to be undertaken in a court of law.

64. The grievance redress procedure shall be implemented as follows:

First Stage, Commune/Ward People's Committee: An aggrieved APs may bring his/her complaint to the One Door Department of the Commune/Ward People's Committee, in writing or verbally. The member of CPC/WPC at the One Door Department will be responsible to notify the CPC/WPC leaders about the complaint for solving. The Chairman of the CPC/WPC will meet personally with the aggrieved APs and will have 30 days following the receiving date of the complaint to resolve it. The CPC/WPC secretariat is responsible for documenting and keeping file of all complaints handled by the CPC/WPC.

Second Stage, District People's Committee: If after 30 days the aggrieved affected household does not hear from the CPC, or if the APs is not satisfied with the decision taken on his/her complaint, the APs may bring the case, either in writing or verbally, to any member of the DPC or the DCARB of the district. The DPC in turn will have 30 days following the receiving date of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCARB of district of any decision made.

Third Stage, City People's Committee (CityPC): If after 30 days the aggrieved APs does not hear from the DPC, or if the APs is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the CityPC. The CityPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The CityPC is responsible for documenting and keeping files of all complaints handled by the CityPC

Final Stage, the Court of Law Arbitrates: If after 45 days following the lodging of the complaint with the CityPC, the aggrieved affected household does not hear from the CityPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision.

65. Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district or city level.
66. The above grievance redress mechanism will be disclosed and discussed again with the APs prior to loan appraisal by ADB and during the updating of this RP to ensure their understanding of the process. The HanoiPPMB and the DCARBs are responsible for following-up the grievance process of the APs.

7.0 LEGAL FRAMEWORK

67. The Project is financed by ADB; therefore, the ADB's SPS 2009 and some other policies will be applied with the aim for policy harmonization with other donors as well as the recipient country.

7.1. ADB Social Safeguards Policy Requirements

68. Objectives stated in the ADB's SPS 2009 on Involuntary Resettlement are to (i) avoid involuntary resettlement wherever possible; (ii) minimise involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.
69. **Safeguard requirements 2 –Involuntary Resettlement:** The guiding principles on ADB's policy on Involuntary Resettlement are prescribed in Safeguard Requirements 2 of the ADB SPS (2009). The objectives are to: (i) avoid involuntary resettlement wherever possible; (ii) minimise involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.
70. The involuntary resettlement requirements apply to full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that result to displacement. This occurs in cases where (i) lands are acquired through expropriation based on eminent domain; and (ii) lands are acquired through negotiated settlements, if expropriation process would have resulted upon the failure of negotiation.

71. Projects financed by ADB, including associated facilities that are financed by the government or other sources, are expected to observe the following policy principles:

- Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organisations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored; and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who

enter into negotiated settlements will maintain the same or better income and livelihood status.

- Ensure that displaced persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

72. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.

73. Persons or households without formal legal rights nor recognised or recognisable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

74. **Other ADB's cross-cutting policy themes:** The Bank's other cross-cutting policy themes consist of: (i) Gender and Development (1998) which adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in

the decision-making process for development activities; (ii) Public Communications Policy (2011) that seeks the active participation of affected people and other stakeholders during the development and review of safeguard policies on ADB-assisted programs and projects. The project executing agency shall make available the resettlement plan to affected people, consistent with ADB's OM Section F1/OP (March 2010); and (iii) Accountability Mechanism (2012) which is part of ADB's continued efforts to enhance its capacity in responding to and/or resolving the problems associated with the implementation of its policies in all programs or projects it assists. It consists of a consultation phase and a compliance review phase, by which the problems or issues raised by the affected people and/or stakeholders are investigated and resolved.

7.2. Regulations of Vietnamese Government on resettlement

75. The Constitution of the Socialist Republic of Vietnam (2013) confirms that ownership and protection of ownership of citizens of their houses. Besides, the Government has issued a number of law, decrees, and regulations to form the legal framework for land acquisition, assistance, compensation, and resettlement. Primary documents include:

a. Law

- Land Law (2013) No. 45/2013/QH13 approved by the National Assembly dated November 29 2013.

b. Government's decrees

- Decree No. 47/2014/ND-CP dated May 15 2014 by the Government on compensation, assistance, and resettlement in the event of land recovery by the State.
- Decree No. 43/2014/ND-CP dated May 15 2014 guiding the implementation of land Law 2013.
- Decree No. 44/2014/ND-CP dated May 15 2014 by the Government on the land prices.
- Decree No. 38/2013/ND-CP dated April 23 2013 on the management and use of Official Development Assistance (ODA) and concessional loans of donors.
- Decree No. 14/2014/ND-CP dated February 26 2014 by the government detailing the implementation of the Electricity Law regarding electricity safety.

c. Hanoi PC's decisions

The current regulations on compensation support and resettlement of local government will be applied in RP of projects include:

- Decision No 108/2009/QD-UBND on Sep/29th/2009 promulgating regulations on compensation, support and resettlement when the State recovers land in the area of Hanoi
 - Decision 02/2013/QD-UBND dated January 07, 2013; amending and supplementing a number of articles issued by Decision 108/2009/QD-UBND dated September 29, 2009 by People's committee of Hanoi on compensation, support and resettlement when the State reclaims land in the area of Hanoi;
 - Decision N°48/2011/QD-UBND Dec/26th/2011 Decision on amendment of a number of articles of the Regulation issued together with Decision N°02/2010/QD - People's Committee dated Jan/18th/2010 on land acquisition, land allocation and land lease, conversion of land use purpose to carry out investment projects and housing in rural population in the area of Hanoi.
 - Decision 420/QD-SXD Decision, dated January 17, 2013; announcing price of new building of houses, works and structures as the basis for compensation, as the State reclaims land in the area of Hanoi;
 - Decision N°51/2012/QD-UBND dated Dec/28th/2012 regulating the price of land in the area in Hanoi 2013.
 - Notification N° 7038/STC-BG dated Dec/31th/2012 of the Hanoi Finance Department of on the unit price compensation trees, crops and livestock on the land with water surface clearance service of the province Hanoi in 2013.
 - Notification N°4331/STC-QLCS of the Hanoi Finance Department on Sep/29th/2011 on the basis unit prices stabilize life support when the State recovers land in the area of Hanoi in 2012.
76. Laws, decrees and decisions related to information disclosure include Land Law No. 45/2013/QH13, Article 68, which requires announcement to the displaced persons at least 90 to 180 days before acquisition of agricultural land and non-agricultural land, respectively.
77. Decree No. 14/2014/ND-CP guiding in detailed the implementation of some articles of Electricity Law regarding electricity safety of high-voltage grid.
78. At the local level, provinces/cities issue decisions and other legal documents related to planning and implementation of resettlement at provincial/city level. The decisions by PPCs/City PCs stipulating the compensation rates for land are prepared for a period of five years with the principle to be close to the market prices. Such decisions are issued on January 1st of the first year of the 5-year period. This price framework will be adjusted in case of discrepancy/variation. The official land price must not be 20% higher than the maximum price or 20% lower than the minimum price of the land price framework provided by the Government.

7.3. Comparison between the Relevant Provisions of the GOV's regulations and the 2009 Safeguard Policy Statement of ADB on Social Safeguards

79. There is basic congruence between Viet Nam's laws and ADB's Resettlement Policy especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation, assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.
80. However, ADB Policy does not consider the absence of legal rights of affected persons on the acquired land as an impediment to receiving compensation for other assets and for rehabilitation assistance. Non-registration of an affected persons' business also does not bar them from being assisted in restoring their business.
81. Moreover on ADB's 2009 SPS, the 2013 Land Law has no equivalent provisions on the following principles for Indigenous Peoples Safeguards.
- (i) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts to Indigenous Peoples.
 - (ii) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

(iii) Avoid to the minimum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equally shared.

82. Provisions and principles adopted in this project will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree N°38/20B/ND-CP which provides that in case of “*discrepancy between any provision in an international treaty on ODA, to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence*” (Article 46, Item 1).

83. Key differences between ADB Resettlement Policy and Viet Nam’s resettlement legislation, and policy of the project are outlined in the table below.

Table 11. Comparison between the Relevant Provisions of 2013 Land Law and the 2009 Safeguard Policy Statement of ADB on Social Safeguards

ADB SPS 2009	Land Law 2013; Decree 47/2014/ND-CP	Policy Gaps from ADB 2009 SPS	Reconciled Policy for the Project
Objectives			

<p>To avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of <u>all displaced persons</u>² in <u>real terms</u> relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups³.</p>	<p>Compensates land users that fulfill the conditions for compensation as prescribed by Article 75, legitimate owners of land-attached assets (Article 88.1), persons/entities that plant/grow forests funded by state budget (Article 90.1.d). -All land users (defined in Article 5) whose land is recovered (including affected workers) are considered for receiving State support (Article 83.1 Land Law 2013 and Article 19 Decree 47/2014/ND-CP). State support is defined as assistance to those whose land is recovered in order to stabilize their livelihoods, production and development.</p>	<p>While there is no explicit policy, land recovery in Viet Nam in practice avoids or minimize involuntary resettlement. However, the 2013 Land Law does not provides compensation to land users who violate land legislation (Article 64), and owners of illegally established land-attached assets (Article 92.2), and unregistered land users of agricultural land after 1 July 2004 (Article 77.2). There is also no regulation to compensate unregistered business for income losses due to business disruption and support in re-establishing their business elsewhere.</p>	<p>Since the Project shall be financed by ADB loan, it will adopt the objectives of the Bank's 2009 SPS, consistent with clause 2 of Article 87 of the 2013 Land Law which states that... "For projects using loans from foreign and international organizations for which the State of Vietnam has committed to a policy framework for compensation, support, resettlement, that framework is applied."</p>
	<p><i>(For displaced poor and other vulnerable groups)</i> -In case the amount of compensation/support is not enough for resettled people to buy the minimum resettlement plot, requires the State to support the balance (Article 86.4 Land Law 2013 and Article 27 Decree 47) -Requires to compensate, support, and resettle to stabilize livelihoods of people whose recovered land is located in areas that pose risk to human life (Article 87.3 of Land Law 2013 and Articles 19, 20, and 21 Decree 47).</p>	<p>This provision has no conflict with ADB's 2009 SPS as it is on the objective of replacement cost that will be incorporated in the Project policy.</p>	

² Displaced persons include persons who lost the land they occupy in its entirety or in part who (i) have formal legal rights to the land lost, (ii) have claims to such lands that are recognized or recognizable under national laws, or (iii) have neither formal legal rights nor recognized or recognizable claims to such land

³ Vulnerable groups are those who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.

	<p>(Policy principle not limited to displaced people)</p> <p>-Guarantees to develop policies to facilitate those who are directly involved in agricultural, forestry, aquaculture, salt production and who are lacking the land for production due to change of land use structure and economic structure (Article 26.4). Such households/ individuals shall be granted certificate of land use right, houses and other land-attached assets without having to pay land use fee (Article 101.1).</p> <p>-Requires the State to develop policies on residential land, land for public activities for ethnic minorities in accordance with customs, traditions, cultural dignity and practical situation and assist ethnic minorities directly involved in agricultural production to have land for agricultural production (Article 27)</p>	<p>Although there is no equivalent policy in ADB's 2009 SPS, this provision is consistent with Bank's overarching goal in poverty reduction.</p> <p>Comment on this provision is the same as above.</p>	
<p>Scope and Triggers</p>			
<p>Physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial,</p>	<p>-Covers both physical and economic displacement due to land recovery (involuntary acquisition of land)</p> <p>-Considers impacts from change of land use structure and economic structures (Article 26.4)</p> <p>-Covers both temporary and permanent land recovery</p> <p>-Covers remaining investment costs on land (Article 76).</p> <p>-Covers compensation for the damage caused by limited land use and damage on land-attached assets in case of restrictions due to establishment of safety</p>	<p>The 2013 Land Law is short in matching the coverage of 2009 SPS since Article 94 and Article 157 only provide compensation for legally recognized land users.</p>	<p>As in the comment above, the project will adopt the provision in the Bank's 2009 SPS, consistent with clause 2 of Article 87 of the 2013 Land Law which states that... "For projects using loans from foreign and international organizations for which the State of Vietnam has committed to a policy framework for compensation, support, resettlement, that framework is applied."</p>

<p>permanent or temporary.</p>	<p>corridors (Articles 94 and 157).</p>		
<p>Policy Principles</p>			
<p>1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.</p>	<p>-Requires that in the preparation of the district annual land use plan, the area and location of the land to be recovered to implement socioeconomic development projects should be assessed (Article 40.4.c).</p>	<p>-However, the Land Law does not require for screening of projects in terms of significance of involuntary resettlement impacts, with corresponding requirements for degree of preparation, implementation and monitoring. -Land Law 2013 (Article 87.3) and Decree No. 47/2014/ND-CP require that depending on the degree impacts, separating compensation, assistance, and resettlement activities into a stand-alone project will be decided.</p>	<p>All subprojects shall be screened and categorized according to the degree of their involuntary resettlement impacts, physical and social. It shall determine or have collective attachments in the Project areas.</p>
<p>2. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. <u>Inform all displaced persons</u> of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Establish a grievance redress mechanism⁴ to receive and facilitate resolution of the affected</p>	<p>Starts the conduct of public consultation (including affected land users) with the preparation of the district-level land use plan (Article 43). -Between 90-180 days before issuing decision on land recovery, State agencies are required to notify the affected land users about the land recovery (including recovery plan, investigation, survey, measurement and inventory)(Article 67). -Requires that once the plan for compensation has been approved, each person whose land is recovered (<u>and</u></p>	<p>Most of the provisions on consultation in the Land Law are consistent with 2009 SPS. What is missing is the provisions are the consultation with host communities and support for social and cultural institutions.</p>	<p>Participatory consultations will include non-government organizations, host communities and civic organizations will be provided with project information booklets or brochures written in language largely understand by affected persons or people in the communities.</p>

⁴The grievance redress mechanism should address affected persons concerns and complaints promptly using an understandable and transparent process that is gender responsive, culturally appropriate and readily accessible to the affected persons at no cost and without retribution. The mechanism should not impede access to the country's judicial or administrative remedies. It should also pay particular attention to the impacts on vulnerable groups.

<p>persons' concerns. Support the social and cultural institutions of displaced persons and their host population.</p>	<p><u>meets the conditions for compensation</u>) should be notified of the decision on compensation. Requires the decision to clearly show the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house and time of hand over, and site clearance. The organization in charge of compensation/resettlement conducts consultations with affected land users and record opinions/ comments raised during the consultations. In case of disagreement, the Fatherland Association will attempt to persuade those who disagree (Article 69).</p> <p>-Gives citizens the right to supervise land management including land recovery, compensation, support and resettlement. The competent agency that receives the report from the citizen is required to act and respond back to the citizen who filed the report (Article 199).</p> <p>-Allows persons whose land is recovered to complain following the procedures and structures under the Complaints' Law. Complaints against agencies/staff involved in land management (including land recovery) can be sent to specific agencies depending on the nature of the complaint and staff involved (Article 209).</p> <p>-Commits to develop policies on residential land, land for public activities for ethnic minorities in accordance with</p>		
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	<p>customs, traditions, cultural dignity and practical situation and assist ethnic minorities directly involved in agricultural production to have land for agricultural production (Article 27).</p>		
<p>3. Improve, or at least restore, the livelihoods of <u>all displaced persons</u> through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at <u>replacement value</u> for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at <u>full replacement cost for assets</u>⁵ that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible</p>	<p>-Requires that compensation be made by allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users will receive cash compensation calculated on the specific land price. Requires that compensation must be democratic, objective, equal, public, timely and legally compliant. (Article 74.2)</p> <p>-Requires that specific price of the affected plot should be determined and independent/licensed valuers should be engaged in establishing cash compensation rates (Articles 114.4, 115, and 116 of Land Law 2013 and Decree 44/2014/ND-CP). However, the requirement of engaging independent/licensed valuers is still vague: article 114, provision 3 says that the province-level land administration agency is entitled to (instead of “must”) hire organizations having consultancy functions for advising on the determination of specific land prices).</p> <p>-Includes the cost for moving</p>	<p>There are inconsistencies noted on these provisions in Land Law that do not meet this Bank policy. It does not prescribe for consulting land users on land transactions, land value by types, land titles, land use, cropping patters and crop production, availability of land in the project area and region, and other related information where market conditions are absent or in a formative stage in determining replacement value of affected assets.</p> <p>-Does not allow compensation of certain structures as per Article 92, such as:</p> <ul style="list-style-type: none"> > land-attached assets which are illegally established > Land-attached assets which are illegally created or created after the notice of land recovery by a competent state agency take effect. > Technical infrastructure, social infrastructure and other construction facilities which are no longer in use. 	<p>Livelihoods and sociocultural systems of all displaced persons shall be restored, improved and culturally appropriate from pre-Project level. Affected livelihoods based on land shall be restored through: (i) land-based resettlement strategies, or cash compensation at replacement value for land when the loss of land does not undermine their livelihoods; (ii) prompt replacement of assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, (iv) employment in construction works; and (v) restoration of social networks of displaced persons.</p>

⁵ The calculation of full replacement cost will be based on the following elements: (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patters and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials should be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account (ADB SPS 2009, Appendix 2).

	<p>due to land recovery in the compensation (Article 91).</p> <p>-Requires the payment of additional compensation in case of late payment (after 30 days from decision on the land recovery)(Article 93)</p>		
<p>4. Provide physically and economically displaced persons with needed assistance, including the following: (i) secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required</p>	<p>-Entitles affected land users to also receive State support, including support for stabilizing livelihoods and production, support for training and career change and facilitating search for jobs, support for resettlement and other support (Article 83).</p> <p>-Requires resettlement sites to have uniformly developed infrastructure, ensuring construction standards, codes in accordance with the conditions, customs, practices of the specific regions, areas (Article 85.2).</p>	<p>The Land Law does not include compensation of unregistered owners of commercial structures/businesses for (i) the cost of re-establishing their business/commercial activities elsewhere; (ii) net income loss during the transition period, and (iii) cost of transferring and reinstalling plant, machinery, or other equipment.</p>	<p>Physically and / or economically displaced persons shall be provided with: (i) land use right certificates in relocation land, better housing at resettlement sites with comparable access to employment, forest resources, and / or production opportunities; (ii) transportation for transfer to resettlement sites and food subsidies to AHs during transition and development assistance, such as land development, training, or employment opportunities; and (iii) access to social infrastructure and community services, as required</p>
<p>5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.</p>	<p>-In case the amount of compensation/support is not enough to buy the minimum resettlement plot (as normally the case for poor households), requires the State to support the balance (Article 86.4)</p> <p>-Entitles people whose recovered land is located in areas that pose risk to human life (defined in Article 65.1) to receive compensation, support, resettlement to stabilize livelihoods (Article 87.3)</p> <p>-State guarantees to develop policies to facilitate those who are directly involved in agricultural, forestry, aquaculture, salt production</p>	<p>While the 2009 SPS considered them as such, women, households headed by a woman with young dependents, people with disabilities, the poor and ethnic minority people are not automatically considered as vulnerable under the Land Law.</p> <p>Moreover, the Land Law has no explicit requirement to identify the poor and other vulnerable groups and to propose and implement targeted measures to assist them. in the cases of land recovery.</p>	<p>CPC shall issue certificates confirming their poor social status;</p>

	<p>and who are lacking the land for production due to change of land use structure and economic structure (Article 26.4). Such households/ individuals shall be granted certificate of land use right, houses and other land-attached assets without having to pay land use fee (Article 101.1).</p> <p>-State to develop policies on residential land, land for public activities for ethnic minorities in accordance with customs, traditions, cultural dignity and practical situation and assist ethnic minorities directly involved in agricultural production to have land for agricultural production (Article 27).</p>		
<p>6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</p>	<p>-Article 73 of the Land Law covers negotiated settlement for land transfer for projects, facilities for project and business purposes.</p>	<p>Land Law 2013 and Decrees 43/2014/ND-CP, 44/2014/ND-CP and 47/2014/ND-CP have neither a provision for procedure nor regulation on negotiated settlement.</p>	<p>Per 2009 SPS (Appendix 2, para. 26), the borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. The borrower/client will agree with ADB on consultation processes, policies, and laws applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.</p>
<p>7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets</p>	<p>-For relocating households who are not eligible for compensation with residential land, but have no other place to live, the State sells, leases, provides rent-to-own houses or allocates land with land use fee (Article 79.2).</p>	<p>The Land Law is inadequate in meeting this 2009 SPS policy. Articles 88 and 92 do not provide compensation to non-legitimate owners of land-attached assets for non-land assets.</p>	<p>The absence of legal rights of affected persons on the acquired land is not a hindrance to receiving compensation for other assets and for rehabilitation assistance.</p>

<p>8. Prepare a <u>resettlement plan</u>⁶ elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule</p>	<p>The Land Law requires for a compensation plan that shows the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house (if any) and time to hand over the recovered land to the organization in charge of compensation.</p>	<p>At the level required under the 2009 SPS, there is no requirement for preparing a resettlement plan or Ethnic Minority Development Plan. Compensation plan is prepared only after the detailed measurement survey (DMS), and there is no requirement for preparing a draft resettlement/compensation plan.</p>	<p>Resettlement plan shall be prepared in case of land acquisition, complete with necessary information.</p>
<p>9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>	<p>-Requires that the compensation plan is disclosed to the affected land user and the community where land recovery will be made.</p>	<p>This provision in the Land Law is somewhat similar with 2009 SPS. However, the contents of compensation plan may not be comparable with the level of detail in 2009 SPS since the Land Law provides the general guidelines on land recovery for projects assisted by multilateral development institutions and/or projects financed by the government.</p>	<p>Disclose a draft RP including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.</p>
<p>10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the</p>	<p>-Integrates resettlement planning into the district annual land-use planning, which is part of the provincial and national socioeconomic development plans.</p>	<p>This requirement in the Land Law provides for national coverage whereas the 2009 SPS is specific to projects assisted by ADB.</p>	<p>RP shall be prepared as part of the Project or it may be a stand-alone document for implementation, showing the full cost of execution if the impacts shall displace persons.</p>

⁶SPS (2009) requires that a resettlement plan should basically include the following (i) project description, (ii) scope of land acquisition and resettlement, (iii) socioeconomic information and profile, (iv) information disclosure, consultation and participation, (v) grievance redress mechanisms, (vi) legal framework, (vii) entitlements, assistance and benefits, (viii) relocation of housing and settlements, (ix) income restoration and rehabilitation, (x) resettlement budget and financing plan, (xi) institutional arrangements, (xii) implementation schedule and (xiii) monitoring and reporting

involuntary resettlement component of the project as a stand-alone operation.			
11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation	-Requires that land recovery be conducted only after the construction of houses or infrastructure in the resettlement area is completed (Article 85). -Requires affected land users to handover the land within 30 days <u>after agreeing</u> to the compensation/allowances offered. Agencies making the compensation are required to pay compensation within 30 days. In case of delay, additional compensation for delayed payment should be made.	Matched against the 2009 SPS, the Land Law has no explicit condition that the affected land user should have received the compensation/allowance before handing over the affected land/asset.	Compensation/allowances shall be received by the APs, regardless of their ethnicity, before the handing over of their land or removal of their affected assets.
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved. Disclose monitoring reports.	-Empowers citizens to supervise and report on breaches in land management and land use including land recovery, compensation, support and resettlement (Article 199). -Mandates the government to develop a system for monitoring and evaluation on land management and land use including land pricing, land recovery, settlement of disputes, etc. to be sent periodically to the government and the National Assembly (Article 200).	Article 199 of the Land Law is consistent with the requirement of 2009 SPS. However, Article 200 does not require for the monitoring and evaluation of the resettlement outcomes and the impacts on standards of living on displaced persons. Likewise, it has requirement to engage an external expert to monitor for projects with significant involuntary resettlement/land recovery impacts.	Mechanism for resettlement monitoring and evaluation shall be established. Provision for adequate and skilled personnel shall be employed as qualified and experienced experts shall be hired for external monitoring if involuntary resettlement has significant impacts to displaced persons.

7.4. Project principles

84. In order to harmonize the above-mentioned gaps between the regulations of GoV and ADB's SPS 2009, the Article 87 of the Land Law 2013 requires that *"For projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply"*. The regulations of the Project in

this RP are based on the approved Resettlement Policy Framework of the project. Details are as follows:

- Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimised where possible by exploring all alternative options.
- Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- Severely affected household is considered when they are losing 10% or more of the household's assets shall be considered as threshold.
- Displaced persons without title or any recognisable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the affected persons and communities will be taken into account.
- The resettlement plan will be disclosed to affected persons in a form and language(s) understandable to them
- Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- Resettlement transition stage should be minimised. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the provinces.

- Reporting and independent monitoring should be defined clearly as part of the management system of resettlement. Independent assessment of the duration and results of the land recovery should be carried out.
- The EVN Hanoi will not issue notice of possession to contractors until the EVN Hanoi are officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place; (ii) already-compensated, assisted displaced persons have cleared the area in a timely manner; and (iii) the area is free from any encumbrances. The satisfactory resettlement to be ascertained by the independent monitor before start of the civil works.
- Cut-off date is the date of completing DMS for which land and/or assets affected by the project are inventoried.

8.0. PROJECT'S ENTITLEMENTS, ASSISTANCE, AND BENEFITS

85. Eligibility will be determined with regard to the cut-off date, which is taken to be the date of completing DMS for which land and/or assets affected by the projects are measured. The affected persons will be informed of the cut-off date for each project component, and any people who settle in the project area after the cut-off date will not be entitled to compensation and/or assistance under the project.

86. In addition, the extent of eligibility for compensation with regard to land is determined by legal rights to the land concerned. There are three types of affected persons: (i) persons with LURCs to land lost in entirety or partially; (ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognisable under national laws; or (iii) persons who lost land they occupy in its entirety or partially who do not have any recognisable claim to that land. Affected persons included under (i) and (ii) above shall be compensated for the affected land and assets upon land. Affected persons included under (iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.

8.1. Entitlements

87. Households or individuals with sufficient basis for compensation will be compensated for land and structure losses equivalent to 100% of the price of such assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix below.

Table12. Entitlement Matrix

Entitled Persons	Type & Level Of Impact	Number of affected households	Compensation Policy	Implementation Issues
A. AGRICULTURAL LAND				
<i>A.1 Permanently affected agricultural land</i>				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organisations	More than 10 percent or more of total productive landholding affected	None	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to affected person; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and</p> <p>b/ Economic rehabilitation package (see G, below);</p> <p>Or, if affected person opts, a/ Cash compensation at replacement cost); and, b/ Economic rehabilitation package (see G, below).</p>	<p>If remaining land holding is not economically viable i.e. is too small to be economically cultivated, the project will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARBs for each case.</p> <p>DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation.</p> <p>Full payment for affected households at least 01 months before site clearance</p>
	Less than 10 percent of total productive landholding affected	None	<p>Cash compensation at replacement cost at current market prices for affected portion if remaining holding is viable; or</p> <p>Cash compensation at replacement cost at current market prices for entire landholding, if remaining holding is not viable.</p>	<p>Implemented by DCARBs Decided by DPCs</p>

<i>A.2 Impact on agricultural land in RoW</i>				
All affected households have agricultural land in RoW	Partially impact or totally impact	None	<p>a/ No compensation for land.</p> <p>b/ Compensation for crop, trees and others at market price.</p> <p>c/ Support for utilisation of restricted land</p>	<p>Affected land in RoW will be rehabilitated by contractors after the project construction and land in RoW could be used with the restricted purposes. (Described in Decree 81, 2009, article 1)</p> <p>Affected households can be required to cut affected trees; project will pay for this work.</p>
B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)				
<i>Permanently affected residential and/or non-agricultural land</i>				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organisations	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	None	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) at a location satisfactory to affected person; (iii) with full title in the names of both the household head and his/her spouse; and (iv) without charge for taxes, registration and land transfer charges; and</p> <p>Or, if affected person opts, a/ Cash compensation at replacement cost.</p>	<p>If remaining land holding is not economically viable i.e. is too small to build house, structures, the project will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARBs for each case.</p> <p>DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation.</p> <p>Full payment for affected households at least 01 months before site clearance</p>
	Loss of residential land/or non-agricultural	None	a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) at a location satisfactory to affected person; (iii) with full title in the names of	If remaining land holding is not economically viable i.e. is too small to build house, structures, the project will acquire the entire land holding and not just the affected portion.

	landholding with houses and structures built thereon.		both the household head and his/her spouse; and (iv) without charge for taxes, registration and land transfer charges; and b/ Compensation for houses, structures on permanently affected land; Or, if affected person opts, a/ Cash compensation at replacement cost); and, b/ Compensation for houses, structures on permanently affected land.	The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARBs for each case. DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation. Full payment for affected households at least 01 months before site clearance
C.MAIN HOUSES AND OTHER STRUCTURES IN RoW				
<i>C.1. Dismantled houses and other structures</i>				
All affected households have houses and structures which are dismantled	Totally or partially dismantled but the rest portion will not ensure the safety so the houses or structures will be removed and rebuilt.	None	a/ Compensation for the whole houses, structures by the replacement price b/ Assistance for removing (if relocation).	Full payment for affected households at least 01 months before site clearance
	Partially dismantled but the rest portion will not affect the safety so	None	a/ Compensation for the part of houses or structures dismantled. b/ Allowances for partially dismantled houses/ structures and reuse	Full payment for affected households at least 01 months before site clearance

	the houses or structures don't have to remove.			
D.Compensation for affected trees and crops				
Land owners/ Users with lease whose trees and crops are affected	Affected annual crops and rain-fed crops, aquaculture		Compensation for annual crops and aquatic equivalent to current market value of crops / aquaculture at the time of compensation.	Full payment for affected households at least 01 months before site clearance
			The owner/grower of perennials, trees and crops will be compensated according to the average market price of trees and crops based on average annual volume and/or replacement costs applicable to perennials.	Full payment for affected households at least 01 months before site clearance
Land owners/ Users with lease whose trees and crops are affected	Trees are allowed to grow under ROW		The owner/grower of perennial crops and trees under ROW that must be cut and trimmed will be compensated at 30% of the average market price of fruit trees based on the average annual volume and/or replacement cost applicable to perennial crops. Owner/grower of rain-fed crops affected under the ROW will be compensated based on annual average volume and seasonal affected.	Full payment for affected households at least 01 months before site clearance
G. REHABILITATION ASSISTANCE				
G.1. Transportation assistance				
All affected households have houses and structures which are dismantled and	Assistance for removing	None	- For organisations: funding for dismantling, moving and installation as stipulated by the Compensation Committee of the project who will determine the level of support for each specific case. In case of difficulties they may hire consultants to determine this cost.	Value of assistance to be determined during resettlement plan implementation.

have to remove				
<i>G.2. Assistance for rehabilitation and production</i>				
Severely affected households, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of land or other productive assets	None	<p>affected households directly cultivate on the affected land to be entitled:</p> <p>(i) Losing from 10 to 30% of land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;</p> <p>(ii) Losing more than 30% to 70% of total land holding. Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;</p> <p>(iii) Losing more than 70% of total land holding Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND</p>	<p>Value of in kind assistance to be determined during resettlement plan implementation.</p> <p>Income Restoration Programmes will be designed during project implementation with the assistance of an agency specialised in livelihoods/labour or vocational assistance and with the active involvement of the affected households.</p>
<i>G.3 Assistance for job changing and creation</i>				
affected households with agricultural land required permanently	Assistance for job changing and creation.	None	<p>Cash assistance equal to 5 time of compensation value for affected land area but not exceed 5 (five) times of land quota in locality.</p> <p>If affected person has demand for training, he/she will be entitled to a free training course</p>	Eligibility will be confirmed during DMS.

<i>G.4. Special allowance for social and economically vulnerable households</i>				
Vulnerable affected households (the poor, war invalid person, woman headed household, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions.	None	For other vulnerable affected persons, assistance of VND 5,000,000 per household to improve their social and economic conditions	Eligible households are those who are classed as vulnerable
<i>G.7 Assistance for losses on Business and Employment</i>				
Business Enterprise/Business HH being forced to cease operating as business in current location	Assistance for re-establishing business in different location or development of different business activity.	None	Assistance equivalent to 30% of after-tax income in a year according to the average income of the 03 years preceding confirmed by the tax authorities; In case the business time is less than 3 years, the assistance is based on the average amount during the actual business duration.	Value of assistance to be determined during resettlement plan implementation.
Waged employees made redundant	Assistance for changing and finding another job	None	The allowance is equivalent to the minimum wage multiplied by the level of employment of the respective occupation in accordance with current regulations of the State in a maximum period of 06 months.	Value of assistance to be determined during resettlement plan implementation.

8.2. Addressing the gender issues

88. The EVN Hanoi, through the HPPMB with assistance from PICs, will carry out the following specific actions to address gender issues in the subprojects:

- i. During the updating of this resettlement plan, both men and women will participate in the discussions during public meetings, providing inputs to DMS, and consultations on resettlement activities and relocation options.
- ii. A male representative and a female representative of the affected households will be included as participant in the resolution of grievances and complaints.
- iii. Gender issues will be included in the training on project implementation by PICs to concerned personnel of the Project Management Unit, EVN Hanoi, and HPPMB.
- iv. Special attention will be extended to elderly, disabled and women-headed households during relocation and in the provision of assistance as defined in the project policy.
- v. Disaggregated monitoring indicators by gender will be developed for monitoring social benefits, economic opportunities, livelihood, and resettlement activities as well as in the restoration of livelihoods and living standards during post-project implementation.

8.3. Assistance to vulnerable households

89. This resettlement plan declared that not any affected person shall become vulnerable due to land acquisitions. If during the updating of this document, it becomes apparent that there are affected persons that shall become vulnerable due to the project; they shall receive applicable allowances as provided for in the Entitlement Matrix, on top of their compensation. They will be given the privilege to participate in the income restoration that will be designed by the project with their active involvement. In order to ensure that they share the same benefits as the other affected households, they will be assisted in appointing their representatives in each commune or neighborhood clusters to participate in any meeting or consultations related to the project, specifically on resettlement, compensation and assistance and income restoration.

8.4. Special considerations

90. Between the periods after the cut-off dates were established in each district towards the implementation of the updated resettlement plan, some unfortunate developments could happen to any affected persons. One example is the passing away of the households who was recorded in the IOL or DMS. In such a case, the spouse will receive the compensation on behalf of the spouse who passed away before the payment of compensation. In case of death of both

spouses, compensation shall be received by any of the children with written permission from his/her siblings.

8.5. Unforeseen impacts

91. If during the DMS when additional adverse social impacts are identified and/or additional affected households and affected persons are found after the cut-off date, they are also entitled to receive subproject entitlements as the others on condition that it can be certified by communes or village chiefs that they have actually been in the subproject RoW even before the cut-off dates for eligibility. Likewise, new affected persons that will emerge due to changes in subproject design or alignment prior to or during construction works are entitled to the same entitlements as those of the other affected persons.

9.0. RELOCATION AND SETTLEMENTS

92. The Project does not cause resettlement impacts and only some households are affected insignificantly on their trees and crops.

10.0. INCOME RESTORATION AND REHABILITATION

10.1. Background

93. In order to assist affected persons restore livelihoods and income levels, the project will provide an income restoration programme that is adapted to the needs and situation of the affected persons as determined in the socio-economic surveys. The affected persons covered by the income restoration programme are identified in the entitlement matrix.

94. The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while affected persons restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided.

95. In-kind assistance to strengthen or initiate income-generating activities will be decided in consultation with local authorities and affected persons eligible for the income restoration.

10.2. Income restoration program

96. No severely affected household is identified during IOL process; however, when implementing RP, if severely affected household emerges, the following regulations will be applied:

- Cash allowance for permanently acquired agricultural land: it is estimated as 5 times of land unit price)

- Allowance for training and finding occupation: it is estimated as VND 6,000,000 person in labour ages.

97. Vulnerable affected households will receive assistance of VND 5,000,000 per household to restore their income to pre-project levels.

98. Assistance for employees losing their jobs at least three months and up to six months.

10.3. Resettlement budget and financing plan

99. The resettlement plan's cost given in this resettlement plan is an estimate only. During the resettlement plan's implementation stage, a full replacement cost survey will need to be conducted by DCARBs to ensure that compensation for land and assets are made at replacement costs.

100. The EVN Hanoi/HPPMB will be responsible for channeling funds for the compensation for land acquisition and resettlement to DPCs/DCARBs through the Ha Noi People's Committee or directly to DPCs. DPCs/DCARBs will be responsible for delivering payment directly to affected persons with respect to affected land, structures, crops and trees.

101. As shown in the table below, the overall cost of resettlement plan updating and implementation was estimated at **VND 60,614,470,642** (or equivalent to **USD 2,886,403**) for inclusion in the project investment. The EVN Hanoi/HPPMB will ensure the timely provision of funds and will meet any unforeseen obligations in excess of the resettlement budget in order to meet the social safeguards objectives under the project. The financing of which can be drawn from the equity funds of EVN Hanoi.

Table13. Estimated compensation, assistance, and resettlement costs

No.	Category	Unit	Quantity	Rates (average)	In cash (VND)
A	Compensation for land				-
1	Perennial crop land		-	-	-
1	Mo Lao Ward	VND/m ²	-	-	-
2	Van Phuc Ward	VND/m ²	-	-	-
B	Compensation for trees				995,000
1	Mo Lao Ward	VND/tree	17	-	995,000
2	Van Phuc Ward	VND/tree	-	-	-
C	Compensation for crops		560		5,820,000
1	Mo Lao Ward	VND/m ²	560		5,820,000
2	Van Phuc Ward	VND/m ²	-	-	

					-
D	Compensation for structures		-		-
1	Mo Lao Ward		-	-	-
2	Van Phuc Ward		-	-	-
E	Compensation for houses				-
1	Mo Lao Ward	VND/m ²		-	-
2	Van Phuc Ward	VND/m ²	-	-	-
F	Public structures		-		54,016,911,000
G	Subtotal (A+...+F)				54,023,726,000
H	Compensation, assistance, resettlement implementation cost 2%	%	2		1,080,474,520
I	Total (G+H+I)				55,104,064,220
K	Contingency cost (10% of I)	%	1		5,510,406,422
L	TOTAL (VND)				60,614,470,642
	TOTAL (USD)				2,886,403

11.0. INSTITUTIONAL ARRANGEMENTS

102. Implementation of the resettlement plan requires the participation of relevant agencies from the Central to province, district, and commune level. The executing agency has the overall responsibility for implementation of the resettlement plans. District Compensation, Assistance and Resettlement Boards (DCARBs) will be established at district level according to Decree 47/2014/ND-CP.

11.1. Central level

103. **EVN Hanoi** is the executing agency, through HPPMB to manage the resettlement issues. The HPPMB is the implementing agency that is mandated for the overall management and supervision of projects funded by ODA. For the management of a particular project, the EVN Hanoi creates the HPPMB within its organisation that is supported by full-time qualified and experienced social safeguard specialist to manage the resettlement related issues. EVN Hanoi will:

- Provide overall management and coordination of the project;
- Liaise with IAs to carry out the project;
- Coordinate with ADB in providing resettlement consultant services for the project;
- Support the HPPMB for updating resettlement plan of the project;
- Consolidate project progress reports on land acquisition and resettlement submitted by the HPPMB for relevant ministries and ADB; and
- Recruit a consulting agency consisting of international specialist and national specialist to support the project implementation.

11.2. Ha Noi City Power Project Management Board (HPPMB)

- Actively participate in the resettlement plan updating and implementation activities in collaboration with the concerned organisation at the Province, District and Commune levels;
- Liaise with the Provincial People's Committee (PPC) to facilitate the establishment of the CARB at the provincial/city and district levels.
- Provide an orientation, to the concerned People's Committees of the province/city, districts, and wards and communes, the DCARB and related groups on the project, its Resettlement Policy, process flow, and on the specific tasks of these groups relative to the updating and implementation of the district-level resettlement plan;
- Take the lead in the public disclosure of the project resettlement plan in coordination with the concerned People's Committees, and participate in project information dissemination and holding of consultation meetings with affected households and other stakeholders;
- Monitor grievances related to the project and calls the attention of concerned government offices where complaints have remained outstanding beyond prescribed action periods;
- Design and implement an internal monitoring system that shall capture the overall progress of the resettlement plan updating and implementation; and prepare quarterly progress reports for submission to EVN Hanoi and ADB.

11.3. City level

104. **City People's Committee:** The main responsibilities of the CityPC include: (i) establishment and mobilisation of City Compensation and Resettlement Board; (ii) organisation and mobilisation of all organisations and

individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; (iii) updating the unit costs to reflect the replacement cost of project-affected private and public assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorising the DPC to approve compensation, assistance support to affected persons; (vi) providing guidance to concerned agencies on the neutral settlement of citizens' complaints, denunciations related to compensation, support and resettlement; (vii) authorising the DPC to apply coercion to cases of deliberately failing to abide by the State's land recovery decisions; and (viii) responsible for the resettlement budget.

11.4. District and Commune/Ward level

105. **District People's Committee:** the DPC will be responsible for the following: (i) extension of support for updating and preparation as well as implementation of the resettlement plan; (ii) review and submit resettlement plan to CityPC as endorsed by DCARBs; (iii) review the accuracy of and validate the cost estimates for compensation and assistance; (iv) acquisition of Land Use Rights Certificates (LURCs) for households and individuals who have lands and/or houses entirely-recovered; (v) adjustment of LURCs for households and individuals whose lands and houses have been partially affected; (vi) assist in the redress of complaints and grievance from affected persons; (vii) concurrence with the schedule of resettlement plan implementation and monitor the progress thereon; (viii) mobilisation of the respective DCARBs that will appraise the compensation and assistance to affected persons; as well as (ix) the provisions of lands to affected persons.
106. **District Compensation and Resettlement Board:** The responsibilities of the DCARB will be the following: (i) organise and carry out resettlement activities in the district on behalf of the DPC; (ii) assist in the DMS, public consultations and disclosure activities; (iii) review and submit to DPC proposed compensation, assistance and resettlement alternatives; (iv) assist in the identification and allocation of land for the affected persons; (v) along with the WPC, assist HPPMB in the timely delivery of compensation payment and other entitlements to affected persons; and (vi) assist in the resolution of complaints and grievances:
- The dissemination of the PIB and other publicity material; ensuring that affected persons are aware of the land acquisition and resettlement process.
 - Planning and carrying out the DMS and the disbursement of compensation payments.

- The identification of severely affected and vulnerable affected persons and the planning and implementation of rehabilitation measures for these affected persons.
 - Help identify any resettlement sites and new farming land for affected persons who cannot remain in their present location.
 - Assist in the resolution of affected persons' grievances.
 - Facilitate the work of the agency appointed to undertake the external monitoring.
107. **Ward/Commune People's Committee.** The WPCs will assist the HPPMB and the DCARBs in the following tasks: (i) remind the affected persons about the compensation plan and the process of delivery, income restoration plans, relocation strategies and land clearance requirements based on the approved resettlement plan; (ii) maintain the list of eligible affected persons that will be provided after the DMS has been conducted; (iii) assign commune officials to extend assistance in the update and/or preparation as well as the implementation of the resettlement plan; (iv) identify replacement lands for the affected persons; (v) sign the Agreement Compensation Forms along with the affected persons; and (vi) assist in the resolution of grievances and in other related-resettlement activities and concerns.

12.0. IMPLEMENTATION SCHEDULE

108. The implementation schedule must ensure the synchronised linkage between resettlement plan implementation and commencement of civil works, i.e. the appropriate compensation schedule and construction schedule. The compensation payment shall be completed prior to the commencement of the relevant project components.

109. The proposed resettlement plan implementation schedule is as follows:

Table 14. Project implementation schedule

Main activities	Time-frame
<i>Preparing RP</i>	
Detailed engineering and demarcation of land to be acquired	Year 1
Award contract and mobilise resettlement plan Consultants	Month 10 of Year 1
Public meeting and consultations with affected persons on draft resettlement plan	Year 1
Finalise updated resettlement plan and submit to HPPMB for review and referral	Month 2 of Year 1
ADB no-objection to resettlement plan	Month 2 of Year 2

Disclosure of approved resettlement plan	Month 3 of Year 2
Implementing RP	
DMS	Months 3 and 4 of Year 2
Compensation payment	Months 4 and 5 of Year 2
Implementation of rehabilitation measures	Month 5 of Year 2
Site clearance	Month 5 of Year 2
Start of civil works	Month 6 of Year 2 until Month 6 of Year 3

13.0. MONITORING AND REPORTING

110. The implementation of resettlement will be monitored regularly to help ensure that the resettlement plan is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. Towards this end, resettlement monitoring will be done by an internal body and by an external organisation.

13.1. Monitoring and reporting

111. The project will establish systems for internal and external (if necessary) monitoring and evaluation. The main purpose of the monitoring and evaluation programme is to ensure that resettlement and acquisition of land and properties has been implemented in accordance with the policies and procedures of the resettlement plans.

112. The objectives of the monitoring and evaluation programme are to (i) ensure that the standard of living of affected persons is restored or improved; (ii) monitor whether the time lines are being met; (iii) assess if compensation, rehabilitation measures and social development support programmes are sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems.

13.2. Internal monitoring

113. The HPPMB will conduct the internal monitoring of resettlement plan implementation for EVN Hanoi to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in resettlement plan implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of resettlement plan implementation and will be consolidated every quarter.

114. An initial key indicator will be, as per assurances to the ADB, the payment of compensation, relocation to new sites, and rehabilitation assistance being in place before award of civil contracts and these will be monitored under each of the civil contracts. The other main indicators that will be monitored regularly are:

- Payment of compensation to all affected persons in various categories, according to the compensation policy described in the resettlement plan.
- Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
- Delivery of income restoration and social support entitlements.
- Public information dissemination and consultation procedures.
- Adherence to grievance procedures and outstanding issues requiring management's attention.
- Priority of affected persons regarding the options offered.
- Coordination and completion of resettlement activities and award of civil works contract
- The EVN Hanoi will incorporate the status of resettlement plan implementation in the overall project progress report to ADB.

13.3. External monitoring

115. Social impact monitoring and evaluation of resettlement plan implementation shall be conducted by EVN Hanoi itself. Besides, Project Implementing Consultant (PIC) shall be responsible for supporting EVN Hanoi and HPPMB in monitoring and evaluation of resettlement plan implementation.

116. The key objectives of social impact monitoring and evaluation are to: (i) assess whether resettlement objectives have been met, specifically the maintenance of livelihoods and the enhancement of affected persons' living standards; (ii) assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as guide to future resettlement policy formulation for forthcoming ADB-assisted projects in EVN Hanoi; and (iii) the need for further mitigation measures as needed. In this respect, the EVN Hanoi will carry out a post-resettlement survey at six or twelve months after the completion of resettlement activities. It will conduct a rapid appraisal in areas inhabited by the affected persons, hold public consultations, and conduct a socioeconomic survey by interviewing a random sample of 20% of the affected persons whose responses will be recorded in a structured questionnaire. EVN Hanoi will compare with their pre-resettlement conditions, to assess the success and/or failure of the resettlement programme. Specific to monitoring the social impacts, EVN Hanoi will produce but not limited to the following in its assessments:

- Capacity of affected persons to restore livelihoods and living standards. This will include assessment on the effectiveness and/or inadequacy of technical assistance, allowances and other measures, and to what extent

the affected persons have maintained their livelihoods and living standards to pre-project levels.

- Public consultation and awareness of resettlement plan policies. EVN Hanoi will validate if the affected persons have been fully informed and consulted about land acquisition and relocation activities. It will also inquire the affected persons and other stakeholders if they were aware of the compensation and entitlements policies and various options available to affected persons. Included in EVN Hanoi's validation is the process on how the public consultations were conducted, the problems and issues raised during the meeting and the solutions proposed either by the affected persons and stakeholders or from the side of EVN Hanoi/HPPMB.
- Level of affected persons' satisfaction. EVN Hanoi will assess the affected persons' level of satisfaction on compensations, allowances and assistance received as well as on resettlement plan implementation, and the degree of efficiency and equity in handling grievances and resolution of complaints.
- Change in living standards. Some indicators in the performance evaluation of resettlement plan implementation are very useful in assessing the living standards of the affected persons, particularly from Section III of this resettlement plan. From the indicators, EVN Hanoi will compare and assess the progress of affected persons in coping with the restoration of their livelihoods that define their living standards. Special attention to disparities between their pre-project and post-resettlement social conditions will be analysed, and disaggregated by gender and per capita income levels. Any factors or issues relevant to restoration of the affected persons living standards will be disclosed in the social impact evaluation report. The EVN Hanoi will discuss its findings with the ADB and advice follow-up actions, where appropriate, to bring to closure the social issues arising from land acquisition and resettlement.

APPENDIX 1

SOCIO-ECONOMIC SURVEY AND INVENTORY OF LOSSES QUESTIONNAIRE

Projects: Construction of Mo Lao 110kV substation and its connection

Questionnaire code: ___/___/___; Survey date: ___/___/2014

A-BACKGROUND INFO

1. Name of head of household:Age..... Gender: [] (Male=1; female=2)
 - a) Ethnicity: [] (1=Kinh; 2=Thai; 3=Tay; 4=Nung; 5= Muong; 6=Tho; 7=Others)
 - b) Education Level: [] (1=Illiterate; 2=Primary school; 3=Secondary school; 4= Yet graduated from high school; 5=High school; 6=Vocational training; 7=University and post graduate; 8=Others)
 - c) Main occupation: [] (1= Agriculture; 2=Livestock husbandry; 3=Selling goods; 4=Restaurant ; 5=Factory worker; 6=official; 7=private company; 8=transportation; 9=driver 10= receive domestic economic support; 11=receive economic support from abroad ; 12=housewife; 13=Others)
 - d) Secondary jobs: [] (1=Livestock husbandry; 2=perennial crops; 3=aquaculture; 4=handicraft; 5=forestry; 6=small business; 7=mechanic)
2. Home address: Village:Commune:District.....City.....
3. Vulnerable group: [] (Woman headed=1; Ethnic minority=2; Disabled=3; Poor household=4; Social policy household=5)

B. SOCIO-ECONOMIC SURVEY

4. Household component (including head of household)

No.	Name	Gender	Relation to the household head	Age	Ethnicity	Main Occupation	Education level (7 and above)
		1=Male 2=Female	0=head 1=Husband/wife 2=Father/mother 3=Son/daughter 4=Son-in-law/ Daughter-in-law 5=Grand child 6=Niece/ nephew 7=Others		1=Kinh 2=Thai 3=Tay 4=Nung 5=Muong 6=Tho 7=Others	1= Agriculture; 2=Livestock husbandry; 3=Selling goods; 4=Restaurant ; 5=Factory worker; 6=official; 7=private company; 8=transportation; 9=driver 10= receive domestic economic	0=Illiterate 1=Primary school 2=Secondary school 3=Yet graduated from high school 4=High school 5=Vocational training 6=University 7=Others
1							
2							
3							
4							
5							
6							

7							
8							
9							

5 Housing facilities

a.	Source of water – drinking / cooking: _____	1- Rain water	5- Purchased
b.	Source of water – washing / bathing: _____	2- Traditional / shallow well	6- Public tap
		3- Deep well	7- Piped water
c.	Sanitation: _____	4- Canal, river, pond	8- Other
		1- Pit latrine	3- Public toilet
d.	Source of energy – lighting _____	2- Toilet in house	4- None
		1- Electricity (from government)	6- Wood
e.	Source of energy – cooking: _____	2- Private generator	7- Coal
		3- Car battery	8- Cylinder gas
		4- Kerosene / gas	9- None
		5- Paraffin / candle	10 - Other

6. Access to public facilities

Facilities/Social service	1.Yes	2.No	1= under1 km	2= from 1 to 2 km	3= from 2 to 5 km	4= over 5 km
a. Health service						
1. Communal health center						
2. Hospital/General Clinic						
3. Private medical center						
4. Pharmacy						
b. Market						
c. Kindergarden and school						
5. Kindergarden						
6. Primary school						
7. Secondary school						
8. High school						
9. Community college/Vocational training						
d. Other community facilities						

- | | | | |
|--------------------|-----|--------------|-----|
| 1) Electricity | [] | 2) Biogas | [] |
| 3) Power generator | [] | 4) Others | [] |
| 5) Gas/oil | [] | 6) No answer | [] |
| 7) Wood | [] | | |

12. Has the living condition of the household changed during the last 3 years ?

- 1) Remain the same [] ; Reason _____
- 2) Better [] ; Reason: _____
- 3) Worse [] ; Reason: _____

C. INVENTORY OF LOSSES

1. Land use situation of the household (affected land is in the scope of acquisition for the project)

Types of land	Land within and beyond the project area (m ²)		Impact degree		Land tenure	Legal title	Impacts caused by
			Total area of affected land (m ²)	(1) Partially affected (2) Fully affected			
1= Residential land 2=Land for growing rice 3=Garden land 4=Aquaculture land 5=Forestry land 6=Non-agricultural land 7=Others					1=Owner 2=Lease	1=LURC 2=Without LURC but are eligible for granting LURC 3= Ineligible for granting LURC 4= Land is in the planning area of the state 5=Long-term lease of government land 6=Lease of private land	1= Transmission line 2= Station
	Within	Beyond					
Plot 1							
Plot 2							
Plot 3							
Plot 4							
Plot 5							
Plot 6							
Plot 7							

Plot 8								
Total								

2. Affected houses

Types of houses	Total floor area (m ²)	Legal title	Impact degree		Project area	Notes (if there is home business, except for No. 7)
			Affected floor area (m ²)	(Partially affected=1; Fully affected=2)		
1. Villa 2. Grade1 3. Grade 2 4. Grade 3 5. Grade 4 6. Temporary 7. Shop separated from house		1. With certificate 2. Without certificate 3. Build on agricultural land 4. Rented house			1= Main canal 2= Northern Canal 3= Southern Canal 4=Management house 5=Borrow pit 6=Disposal area 7=Others	

NB: A household can be impacted on several houses, thus it is necessary to fill full information of all affected houses.

3. Information related to houses out of the project area (if any):

- No. of houses: []
- Area of houses out of the project area (m²): m²

4. Other affected structures and facilities

(List auxiliary structures separated from affected houses listed above and facilities)

Structures/ Facilities	Types of structures	Unit	Quantity	Location 1= Transmission line 2= Station
1. Kitchen separated from the main house	1. Temporary 2. Equal to grade 4 house	m2		
2. Livestock sheds	1. Temporary 2. Equal to grade 4 house	m2		

3.	Electricity meter		Electricity meter		
4.	Water meter and estimate of water pipeline length		Water meter		
5.	Telephone				
6.	Fence	1. Brick 2. Steel, wire or wood	Fence		
7.	Gate	1. Brick 2. Iron, steel 2. Wood, Bamboo	m ²		
8.	Latrine, bathroom (separated from the main house)	1. Brick, concrete 2. Bamboo, thatch	m ²		
9.	Earth grave a) cemetery In b) Individual		Grave		
10.	Built grave				
11.	Well	1 Drilled 2. Dug	m		
12.	Water container	1. Brick/ concrete 2. Inox 3. Plastic	m ³		
13.	Yard (only cement or tiled)		m ²		
14.	Fish pond (excavated amount)		m ³		
15.	Others (Name and affected area)				

5. Affected trees and crops

(Only list affected perennial crops and fruit trees)

Trees and crops	Name	Unit	Amount	Location 1= Transmission line 2= Station
a) Fruit tree (main)		Tree		

1)	Pomelo			
2)				
3)				
4)				
5)				
b)	Timber tree (main)		Tree	
1)				
2)				
3)				
4)				
5)				
c)	Pot plant (main)			
d)	Crops (main)		Tree	
1)	Maize			
2)	Potato			
3)	Earthnut			
4)	Bean			
5)				

e) Surface water area for aquaculture		m2		

D. CONSULTATION

1. Only for households losing productive and agricultural land

If agricultural or other productive lands are affected (acquired), which compensation option does your family chooses?

- a) Land-for-land (if land fund in the commune is available) with equal type of land and area/nature
- b) Compensation in cash
- c) Not yet decided

2. Only for households losing residential land

Is the remaining residential land area out of the project area enough for the household to rebuild house?

- 1- Yes
- 2- No

3. Only for households losing residential land

If the remaining residential land area is not viable to rebuild house (the remaining area is smaller than 40m2 in the urban area or 100m2 in the rural area), which relocation option does the household choose?

- a) Self relocate to another land plot of the household
- b) Self relocate to another place decided by the household
- c) Project's resettlement site
- d) Move to the resettlement site arranged by the local authorities
- e) Not yet decided

4. What is your plan to use compensation cash?

- a) Build or repair house
- b) Buy new land
- c) Buy other properties ; Specify _____
- d) Invest in small business
- e) Bank saving
- f) Spend on children's study
- g) Others Describe _____

5. At present does the family have plan to replace production/income from agricultural land and/or restore business?

- 1. No
- 2. Yes:

If yes, what is the plan:

- a) Buy new agricultural land for production

- | | | | |
|----|---------------------------------------|--------------------------|----------|
| b) | Reestablish business in the new place | <input type="checkbox"/> | |
| c) | Business | <input type="checkbox"/> | |
| d) | Open small shop | <input type="checkbox"/> | |
| e) | Handicraft | <input type="checkbox"/> | |
| f) | Look for new job | <input type="checkbox"/> | |
| g) | Others | <input type="checkbox"/> | Describe |
-

Surveyor

On behalf of the household

APPENDIX 2. PROJECT INFORMATION BOOKLET

1. **Name of the Project:** Mo Lao 110kV substation and Mo Lao 110kV connection.
 2. **Executing agency:** Hanoi City People's Committee and Electricity of Vietnam
 3. **Representative of the executing agency:** Hanoi Power Project Management Board
-

Question 1: What is the Mo Lao 110kV substation and Mo Lao 110kV connection project?

Answer: Mo Lao 110kV substation and its connection subproject is financed by the Asian Development Bank (ADB) and the Government of Vietnam with the aim to supply sufficient electricity to Ha Dong district, improve power network, and minimize electricity losses in the area.

Question 2: How Mo Lao 110kV substation and its connection subproject affect local communities?

Answer: According to the Decree No. 14/2014/ND-CP dated 26/02/2014 on the safety protection of high voltage power grid, the subproject will cause the following impacts:

- Permanent loss of houses and structures (if any);
- Permanently cut down trees on the affected land area;
- Restriction to the use of land area/house/structure in the RoW.

Details of impacts:

The subproject will be built in the planned area; therefore, it does not cause impact on households. Only five households are growing trees and crops on the area proposed for the construction of the substation, thus their trees and crops shall be affected. Besides, the 110kV underground cable will cause impacts on the public structures of Mo Lao Urban Area including trees and lighting posts. However, the project does not affect living standards of the households in the area.

Question 3: What is the main objective of resettlement plan?

Answer: The main objective of the Resettlement Plan is to ensure that all APs will be at least as well-off, if not better-off, than they would have been in the absence of the Project.

Question 4: What if my land is affected by the project?

Answer: (i) In case the subproject acquires more land of the households, you will be offered a choice of replacement land as priority of equal area and productive capacity at

a location acceptable to you OR cash compensation at replacement value at current market prices.

(ii) In case the affected land is leased land, the value of land shall not be compensated but the investment costs in land will be compensated.

Question 5: Do we need to have a land title in the order to be compensated?

Answer: No, lack of formal legal rights to land does not prevent any APs from receiving compensation, allowances and rehabilitation assistance. Those APs who possess a land use rights certificate (LURC) or any other form of written agreement to utilise the land are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal/legalisable or temporary/lease rights for affected land will be compensated for the assets on affected land.

Question 6: Is the compensation applied for affected houses and structures?

Answer: Yes. Compensation will be applied for all affected assets including houses, stores, wells, and fences as well as other fixed assets at replacement value at current market prices without any deductions for building depreciation or salvageable building materials. This will ensure that the Affected Persons are able to reconstruct houses and other structures of better or at least the same quality as before. **Question 7: What about affected crops and trees?**

Answer: (i) Permanently affected crops and trees will be compensated in cash at current market prices.

(ii) As for trees and crops temporarily affected during construction period:

- Compensation for non-harvested crops will be based on the time of impacts and the average production in the past 3 years.
- Trees and crops will be compensated at market prices at the time of land acquisition.

Question 8: Besides the compensation, how can the project help?

Answer: In addition to compensation for loss of land and other assets, the Project will provide rehabilitation assistance to eligible APs to ensure that their standard of living is maintained or improved after the Project. Eligible APs for rehabilitation assistance include:

- Affected households: these households losing more than 10% of their productive landholdings will receive the following assistances: (i) life stabilization allowances; (ii) income restoration allowances and provision of technical assistance and agricultural extension techniques to improve output in the remaining area, existing credit programs or employments related to the project;

- Households that relocate shall receive (i) relocation allowances; (ii) assistances to mobilize life during transition period; (iii) rental allowances at market prices. Assistance levels are identified clearly in the project policies.
- Business owners that lose income while they relocate or rebuild their shops/businesses: Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for three months. Owners of registered businesses will receive cash compensation equal to 30% of their taxed income of one year. The annual taxed income is determined in the financial reports of the previous three years.
- Employees and hired labors who lose their jobs: will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher.
- Job changing allowances: As for the affected households who have or have not registered for LURC after resettlement and do not have job, if you are in the working age, you can participate in a vocational training in the area without tuition fee.

Question 9: Does that mean that anybody in our community can claim for compensation?

Answer: No. Entitled APs are those persons or households that will lose land or property based on the detailed measurement survey (DMS) that will be conducted following completion of the final designs for the subproject. Affected communes and local authorities will be informed of the cut-off date (the date of DMS) for the subproject.

Question 10: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do APs have the right to voice their complaints?

Answer: Yes, APs can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to provincial court if the APs are not satisfied with the decision of lower levels. APs will be exempted from all taxes, administrative and legal fees. All complaints of APs on any aspect of land acquisition, compensation, resettlement and implementation will be addressed in a timely and satisfactory manner.

Question 11: How will APs be consulted and informed?

Answer: A consultation and public information program will be organized in your commune to ensure that APs receive complete and timely information about the Project. APs will be provided information on project components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule. APs will participate in resettlement planning and implementation and they will also be consulted on the following issues: a) resettlement options according to their entitlement, b) training and training preferences in current or new occupations, c) other project aspects.

Question 12: As a resident in the project area, how can I help?

Answer: We would like you to participate in all consultation meetings and other subproject related activities in order to ensure that you are fully informed and consulted. Your active participation during the detailed measurement survey (DMS) and implementation will allow us to determine measures to mitigate impacts, to identify problems or potentials problems and to identify ways of responding immediately to solve these problems.

Question 13: How will you know if the objectives of this project are met?

Answer: EVN through HPPMB will ensure internal monitoring all Project activities. In addition, HPPMB will engage an independent external monitoring agency to conduct external monitoring of resettlement activities during Project implementation. Every 6 months, the independent monitoring agency will submit a report to HPPMB and ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the Project. **FOR FURTHER INFORMATION AND SUGGESTIONS –**

Please contact the DCARBs where you live:

District Compensation, Assistance Resettlement Board (DCARB) of ... District;
Address:.....

Person in charge:.....Tel.....

APPENDIX 3. SUMMARY OF COMMUNITY CONSULTATION RESULTS

Table 15: Summary of feedbacks

No.	District/Ward	Feedbacks
1	Mo Lao Ward (consultation with WPC leaders and PAHs)	<p><u>WPC leaders:</u></p> <ul style="list-style-type: none"> • Mo Lao WPC and the concerned agencies and representatives of the community agree and support the 110kV substation project. During the construction period, it is recommended that the investment owner and contractor comply with the social and environmental regulations. • Avoid causing noise to the cemetery and surrounding households. • When digging to install the underground cable, it is necessary to avoid other underground works. • Other issues that the WPC is concerned are: <ul style="list-style-type: none"> - Do electromagnetic field and electromagnetic waves affected people in the surrounding area? - What are the structure solutions? - The substation is built next to Mo Lao cemetery where people often go to, therefore, is it necessary to install lightning protection equipment? - Do the machines cause noise? <p><u>Representatives of PAHs:</u></p> <ul style="list-style-type: none"> - Supporting the policies of the Party and Government, we totally agree upon the construction of Mo Lao substation. We hope that the project will be implemented soon to supply electricity for Mo Lao residential area and other areas. - We are willing to hand over site to the project to not affect the progress of the project. - The area where we are growing crops belongs to Mo Lao Urban Area Management Board; before, it was fallow land, some people and I have reclaimed the area to grow vegetables. - However, when the project acquires land, it is suggested that the project should inform us two to three months beforehand in order for us to harvest the crops. The project should compensate for our affected trees and crops because we spent efforts

		reclaiming the area.
2	Nguyen Trong Kien, Deputy Head of Mo Lao Urban Area Management Board	<ul style="list-style-type: none"> - Before, the city has planned to place a substation in the urban area; therefore, the Management Board has planned this area for the construction of the substation. - We support the project implementation because the project is agreed among the stakeholders and is in the master planning of the city. - At present, the infrastructure of Mo Lao new urban area has been basically completed and come into use. It is recommended that during construction, it is necessary to pay attention to the surrounding environment of the residential area when the substation comes into operation. - During the construction period, attention should be paid to the existing underground cable and water supply and drainage system of the urban area. - Site should be restored and returned after construction and there should be electricity safety measures for the households in the urban area. - The project should pay attention to Mo Lao Cemetery to see whether the location of the substation next to the cemetery affects the spiritual aspect or not.
3	Bach Van Sy, Mo Lao Cemetery Management	<ul style="list-style-type: none"> - The construction of Mo Lao 110kV substation does not cause impacts on the graves in the cemetery as the location of the substation is about 40 to 50 meters to these graves. Besides, the cemetery is surrounded with solid walls; therefore, there is no adverse impact. - During the construction of the substation, the construction workers should ensure order and security and do not affect trees and graves in the cemetery area.

Table 2: List of officers participated in ward consultation meetings

No.	Name	Position	Date
01	Nguyen Trong Kien	Deputy Head of Mo Lao new Urban Area Management Board	15/04/2014
02	Bach Van Sy	Mo Lao Cemetery Management	15/04/2014

		Board	
03	Nguyen Van Long	Chairman of Mo Lao WPC	22/05/2014
04	Bach Hung Tien	Chairman of Mo Lao Ward Fatherland Front	22/05/2014
05	Pham Van Ngoc	Deputy Chairman of People's Council	22/05/2014
06	Nguyen Hung Viet	Construction Cadastral Officer	22/05/2014
07	Bach Phuong Thuy	Chairwoman of Women's Union	22/05/2014
08	Bach Quang Xuan	Leader of Residential Group 8	22/05/2014

Table 16: List of households participated in consultation meetings

No.	Name	Address	Notes
1	Nguyen Thi Hoa	Mo Lao	
2	Tran Thi Kim Ngan	Mo Lao	
3	Hoang Thi Huong	Mo Lao	
4	Trinh Duy Lo	Mo Lao	
5	Nguyen Duc Quan	Mo Lao	

APPENDIX 4. SITE CLEARANCE AND RESETTLEMENT COST ESTIMATES

Table 1: Compensation, assistance and resettlement cost estimates

No.	Category	Unit	Quantity	Unit price (average)	In Cash (VND)	Notes
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A	Compensation for land				-	
1	Perennial crop land		-	-	-	
1	Mo Lao ward	VND/m2	-	-	-	
2	Van Phuc ward	VND/m2	-	-	-	
B	Compensation for trees				995.000	
1	Mo Lao ward	VND/km	17	-	995.000	
2	Van Phuc ward	VND/km	-	-	-	
C	Compensation for crops		560		5.820.000	
1	Mo Lao ward	VND/m2	560		5.820.000	
2	Van Phuc ward	VND/m2	-	-	-	
D	Compensation for structures		-		-	
1	Mo Lao ward		-	-	-	
2	Van Phuc ward		-	-	-	
E	Compensation for houses				-	
1	Mo Lao ward	VND/m2		-	-	
2	Van Phuc ward	VND/m2	-	-	-	
F	Public structures		-		54.016.911.000	
G	Subtotal (A+...+F)				54.023.726.000	
H	Compensation, assistance and resettlement implementing cost 2%	%	2		1.080.474.520	
I	Subtotal (G+H+I)				55.104.064.220	
K	Contingency cost (10% of I)	%	1		5.510.406.422	
L	Total (VND)				60.614.470.642	
	Total (USD)				2.886.403	

Exchange rate: 1 USD=21.000VND

Table 2: Compensation for trees

No.	District/ Ward/ Commune	Unit	Quantity	Unit price	Total (VND)	Notes
I	Quan Ha Dong		17		995.000	
1	Mo Lao ward		17		995.000	
	Banana	VND/km	7	35.000	245.000	
	Kumquat	VND/km	8	80.000	640.000	
	Peach	VND/km	2	55.000	110.000	
2	Van Phuc ward		-		-	
	Banana	VND/km	-	35.000	-	
	Kumquat	VND/km	-	80.000	-	
	Peach	VND/km	-	55.000	-	
	Total		17		995.000	

Table 3: Compensation for crops

No.	District/Ward/Commune	Unit	Quantity	Unit price	Total (VND)
I	Ha Dong district		560		5.820.000
1	Mo Lao ward		560		5.820.000
	Chayote	VND/m2	20	8.000	160.000
	Cauliflower	VND/m2	80	12.000	960.000
	Sweet potato	VND/m2	35	6.000	210.000
	Squash	VND/m2	100	8.000	800.000
	Water spinach	VND/m2	145	18.000	2.610.000
	Bean	VND/m2	180	6.000	1.080.000
2	Van Phuc ward				
	Chayote	VND/m2	-	8.000	-
	Cauliflower	VND/m2	-	12.000	-
	Sweet potato	VND/m2	-	6.000	-
	Squash	VND/m2	-	8.000	-
	Total		560		5.820.000

Table 4: Compensation for public works

Ward	Affected assets	Owner	Category	Unit	Quantity	Unit price	In cash
1. Van Phuc	Committee's land	WPC	Technical trench	m ²	608	9.916.000	6.028.928.000
	Potted palm tree	Hanoi urban green tree company	Technical trench	Km	26	6.000	156.000
	Potted "Ngoc but" tree	Hanoi urban green tree company	Technical trench	Km	26	10.000	260.000
	Lighting post	Ha Dong electricity	Technical trench	Post	3	1.650.000	4.950.000
	Electric line	Ha Dong electricity	Technical trench	m	84	160.000	13.440.000
2. Mo Lao	Land of Mo Lao Urban Area Management Board	Mo Lao Urban Area Management Board	Mo Lao 110Kv substation	m ²	3670	9.137.000	33.532.790.000
	Committee's land	WPC	Technical trench	m ²	1568	9.137.000	14.326.816.000
	Brick sidewalk	WPC	Technical trench	m ²	224	179.000	40.096.000
	Lighting Post	Ha Dong electricity	Technical trench	Post	4	1.650.000	6.600.000
	Electric line	Ha Dong electricity	Technical trench	m	214	160.000	34.240.000
	Sewerage	Ha Dong Water supply and Sewerage Company	Technical trench	Piece	7	4.000.000	28.000.000
	Banyan	Mo Lao Urban Area Management Board	Mo Lao 110kv substation	Km	1	110.000	110.000
	Tropical Almond tree	Mo Lao Urban Area Management Board	Mo Lao 110kv substation	Km	1	120.000	120.000
	Bead tree	Mo Lao Urban Area Management Board	Mo Lao 110kv substation	Km	1	120.000	120.000
Alstonia scholaris	Mo Lao Urban Area Management Board	Mo Lao 110kv substation	Km	3	95.000	285.000	

		nt Board					
Total							54.016.911.00 0

APPENDIX 5. PICTURES OF CONSULTATIONS AND SURVEYS



Figure 5: Starting section of Mo Lao, near Song Nhue bridge



Figure 6: Mo Lao ward - consultation meeting



Figure 7: Consulting with Mo Lao's new Urban Area Management Board



Figure 8: Consulting with Mo Lao Cemetery Management Board



Figure 9: Household survey with Mrs. Ngan who is growing clean vegetables on the land where the substation is located



Figure 10: Land proposed for the substation

APPENDIX 6: LIST OF AFFECTED HOUSEHOLDS

No.	Name	Address	Note
1	Nguyen Thi Hoa	Mo Lao	
2	Tran Thi Kim Ngan	Mo Lao	
3	Hoang Thi Huong	Mo Lao	
4	Trinh Duy Lo	Mo Lao	

5	Nguyen Duc Quan	Mo Lao	
6	Mo Lao Urban Area Management Board	Mo Lao	
7	Mo Lao WPC	Mo Lao	
8	Van Phuc WPC	Van Phuc	